

DEADLY THREAT TO HUMAN RIGHTS:  
TURKEY'S DEFINITION OF 'TERRORISM'



Report – July 2024

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## **INTRODUCTION**

In Turkey, accusations of terrorism are used widely and systematically to obstruct fundamental human rights. These accusations lead to violations of core rights such as the right to liberty and security, freedom of expression, freedom of association, freedom of religion and conscience, the right to a fair trial, the presumption of innocence, and the prohibition of torture. The police operation conducted in Istanbul on May 7, 2024, where 41 people, including 37 women, were detained and/or arrested on terrorism charges, is a concrete example of how human rights are being threatened.

This report focuses on the reality of using terrorism accusations as a weapon in Turkey, specifically in the context of the operation carried out on May 7, 2024, and the subsequent process. It has been prepared by examining the investigation and case files related to the incident and through interviews with the victims' lawyers and relatives.

## 7 MAY OPERATION

On May 7, 2024, Istanbul police conducted a comprehensive operation, detaining many individuals. Among those detained were 15 children, aged between 13 and 17, who were forcibly taken to the police station for interrogation. During these interrogations, the children were denied access to legal counsel and subjected to psychological pressure for 10 hours. Some of the adults were subsequently arrested.<sup>1</sup> On June 10, 2024, the Prosecutor from the Istanbul Chief Public Prosecutor's Office, Bureau of Terror and Organized Crime Investigations, prepared a 529-page indictment, initiating the legal proceedings.

The indictment states that 21 out of the 41 defendants are in custody. Among the defendants, 37 are women and 4 are men. Of the 19 defendants aged between 18 and 25, 8 are in custody. During the July 15, 2016 coup attempt, these young women were between 10 and 17 years old. The prosecutor's main allegation focuses on 12 young female university students who voluntarily taught English and religious classes to primary, middle, and high school children in four different houses in Istanbul. These lessons were conducted with the consent of the children's parents, and the young women also organized religious and social activities among themselves. **(Appendix-1, Table of Suspects)**

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<sup>1</sup> For detailed information on the operation, see Solidarity With Others, Operation May 7, An Attack on the Future, May 2024, [https://www.solidaritywithothers.com/files/ugd/b886b2\\_e725982b64ac4ed4a9ca200af61f676c.pdf](https://www.solidaritywithothers.com/files/ugd/b886b2_e725982b64ac4ed4a9ca200af61f676c.pdf)

## BACKGROUND

To understand the background of the operation, it is necessary to first look at the failed coup attempt in Turkey on July 15, 2016, and the subsequent political and social developments. Following this coup attempt, the Turkish government launched a widespread purge operation, blaming the Gülen movement with allegations lacking legal basis. The exact organizers and supporters of the coup attempt have not yet been fully identified. During this process, tens of thousands of individuals were expelled from state institutions, and hundreds of thousands were arbitrarily detained, arrested, and convicted.<sup>2</sup>

The operations carried out in this context were not only directed at individuals directly linked to the coup attempt but also at a broad group of people associated with the Gülen movement in any capacity. This led to the criminalization of many innocent people involved in social, religious, or educational activities.

According to data from the Ministry of Justice's Directorate General of Criminal Records and Statistics,<sup>3</sup> between 2015 and 2023, Turkish prosecutors launched investigations against 2,478,734 people for 'terrorism' under articles 309-316 of the Turkish Penal Code, which cover 'Crimes Against the Constitutional Order and Its Functioning,' the Anti-Terrorism Law, and the Law on the Prevention of Financing of Terrorism. Public cases were filed against 607,026 individuals for 'terrorism' charges, and 379,091 people were convicted of 'terrorism' charges. More importantly, as of 2021, it is known that 3,763 of those convicted were children under the age of 18. These figures clearly demonstrate how extensively terrorism charges are used in Turkey.

## THE MAY 7 OPERATION INDICTMENT: ACTIONS CITED AS GROUNDS FOR TERRORISM CHARGES

The prosecutor characterized the aforementioned activities as part of **"a student structure of an armed terrorist organization,"** designating the residences where these students stayed as **"organization houses."**<sup>4</sup> During

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<sup>2</sup> For the finding that the vast majority of detention, arrest and conviction decisions are arbitrary and have become a systemic problem in Turkey, see Yüksel Yalçınkaya v. Turkey, ECtHR Grand Chamber, September 2023

<sup>3</sup> <https://adlisicil.adalet.gov.tr/Home/SayfaDetay/adalet-istatistikleri-yayin-arsivi>

<sup>4</sup> 12 student houses in Istanbul where young women university students or recent graduates stayed and which they named as 'Manolya, Kardelen, Çağla and Yeniev' were tried to be presented as 'terrorist organization houses'.

the investigation, measures such as telephone tapping and physical surveillance were applied to the young female university students, the children receiving education, and their parents and close contacts, under Articles 135 and 140 of the Criminal Procedure Code (CMK). Of the 529-page indictment, 418 pages are devoted to various so-called "**terrorist activities**" obtained through telephone tapping and physical surveillance. These actions can be classified under the following headings:

1. Actions recording the suspects' entries and exits from houses (34 instances)
2. Actions recording religious or social activities such as camps or programs organized by the suspects (22 instances)
3. Actions recording phone conversations between the suspects (22 instances)
4. Actions recorded to prove the suspects' associations (18 instances)
5. Actions related to a planned overseas trip by the suspects (7 instances)
6. Actions recording the suspects' meetings with each other (6 instances)
7. Actions related to the suspects paying rent for their residences (5 instances)
8. Actions recording the suspects providing food aid to each other (2 instances)

As seen, the actions cited as grounds for terrorism charges are in reality everyday routine activities or social/religious events that do not constitute a crime. Based on these allegations, the prosecutor filed a lawsuit against a total of 41 individuals, including high school students aged 13 to 17, university students aged 18 to 24, as well as parents and teachers of these children, on charges of "**membership of an armed terrorist organization.**"

The alleged actions occurred over a period of 3 months and 10 days, from January 20, 2024, to April 29, 2024, and included the activities mentioned at various dates and locations. (***Appendix-2, Table of Alleged Activities***)

The events portrayed as actions in the indictment generally emphasize the following activities:

- Home Visits and Meetings
- Camps and Educational Programs
- Social Activities (such as bowling)
- Acquisition of Goods and Rent Payments
- Food and Aid Packages
- Overseas Trips and Passport Procedures

- Additionally, phone conversations and communications alleged to have been conducted via internet-based programs on various dates were also evaluated as actions.

Moreover, on pages 478-489 of the indictment, the prosecutor used the statements forcibly and under duress<sup>5</sup> obtained from the 14 young children<sup>6</sup> detained as "**witness testimonies**" to support the allegations. However, these so-called "**terrorist activities**" mentioned in the indictment are, in fact, completely legal and even encouraged activities, such as housing, organizing social events, and volunteering by university students or recent graduates.

The suspects were evaluated and sought to be punished as "**elements of an armed terrorist organization**" due to prejudices arising from their social circles and family ties. As seen, in Turkey, as a result of the state repression initiated after the coup attempt on July 15, 2016, any social group formed by the individuals processed or their children is directly considered a "**terrorist group.**" Natural human activities carried out by these individuals (entering and exiting homes, paying rent, organizing educational activities, arranging social events, living together in a house, making phone calls, etc.) are being labeled as "**terrorist activities.**"

#### ANALYSIS OF THE INVESTIGATION AND THE INITIATED LAWSUIT

The prosecutor, as part of investigation number 2023/276683, sent a letter to the Istanbul Magistrate's Court on Duty on December 21, 2023, requesting that "the parties or their attorneys be restricted from reviewing the file content and obtaining copies of documents, considering that such access could jeopardize the purpose of the investigation." On the same day, Istanbul's 5th Magistrate's Court accepted this request and issued a "**restriction order.**"

While the exact start date of the investigation is unknown, it is clear from the documents included in the case file that the investigation had begun by December 21, 2023, at the latest. The alleged 117 actions that formed the basis of the indictment occurred between January 21, 2024, and April 29, 2024, indicating that the investigation lasted approximately **four months.**

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<sup>5</sup> A.S.Ş. (birth year: 2007, age: 17), A.E. (birth year: 2010, age: 14), B.B. (birth year: 2010, age: 14), B.M. (birth year: 2010, age: 14), C.N.Y. (birth year: 2009, age: 15), E.A. (birth year: 2011, age: 13), F.A.Ç. (birth year: 2007, age: 17), K.E. (year of birth: 2010, age: 14), N.Z.B. (year of birth: 2007, age: 17), N.Z.B. (year of birth: 2008, age: 16), S.E. (year of birth: 2008, age: 16), S.N.S. (year of birth: 2008, age: 16), F.N.Z.G. (year of birth: unknown, age: younger than 18), H.B. (year of birth: unknown, age: younger than 18).

<sup>6</sup> Two girls detained in the operation told their experiences to MP Ömer Faruk Gergerlioğlu, see <https://x.com/BOLDmedya/status/1790455202220281972>

Detention orders were issued on May 6, 2024, and the operation was carried out by the Istanbul Anti-Smuggling and Organized Crime Department on May 7, 2024.

During the phase of identifying these actions, it was understood that the suspects' phones were tapped and they were subject to physical surveillance under Articles 135 and 140 of the CMK. However, the case file does not include any court orders regarding these measures. Despite these measures being intended for use when no other evidence can be obtained, they have become a method used at the initial stage in politically motivated investigations.

On May 6, 2024, the prosecutor issued **detention orders** for the suspects and sent a letter to the Istanbul Magistrate's Court on Duty requesting **search and seizure orders**. On the same day, the Istanbul 2nd Magistrate's Court accepted the request and issued search and seizure orders for 39 suspects. Both the detention and the search and seizure orders did not meet the legal requirements stipulated by law.

On May 7, 2024, while the adult suspects were being detained, **15 girls aged between 13 and 17 were also detained** and taken to the police station for questioning.

The prosecutor first took the statement of N.Ç., born in 2001 (23 years old), on May 8, 2024. N.Ç. expressed a desire to benefit from "**effective remorse**"<sup>7</sup> provisions and provided a statement detailing daily activities that were allegedly incentivized with monetary rewards. In addition to the statement which she made at the police station, she made the following statements:

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<sup>7</sup> Article 221 of the Turkish Criminal Code No. 5237 regulates the provision of 'effective remorse' in relation to the crimes of establishing, leading or being a member of an organization. In order to benefit from this provision, it is required to have provided information that is sufficient to ensure the dissolution of the organization or the arrest of its members. However, prosecutors' offices and courts use this provision in political trials to intimidate opponents of the regime and force them to provide information about each other. This method has become a system whereby detainees are pressured and threatened with imprisonment to admit that they are guilty of no crime and that their friends are also guilty. The institution of effective remorse, which has turned into a form of 'judicial blackmail' in political cases, is being used as a basis for investigations and prosecutions, especially in cases where there is no evidence to incriminate suspects and defendants, and leads to arbitrary punishment of individuals through this method. The statement 'I want to benefit from effective remorse' has become a presumption of pressure, threat and blackmail by law enforcement and prosecutors.

*"In my testimony, I mentioned the scoring system of daily activities, which I had forgotten but which now comes to my mind. The details of this scoring are as follows; Bronze Package: 3 teajjüt prayers, 1-5 Juz, 1-2 sermons, 100 Salavat... Silver Package: 7 teajjut prayers, 6-8 Juz, 4-5 sermons, Ramadan Risalah, Tawhitname, Jawsen, 300, Salavat... Diamond Package: Full fasting, teajjut on all fasting days, Ramadan Risalah, Tawhitname, intensive listening to sermons. If we completed the Bronze Package in this way, we were given a cash prize of 500 TL, 1000 TL for the Silver Package, and 2000 - 3000 TL for the Diamond Package. This was how we were motivated. I regret it. This is all I have to say. I demand to be released."*

As can be seen, the aforementioned activities are behaviors such as praying and fasting, all of which are acts of exercising rights protected by constitutional guarantees within the scope of freedom of belief.

The prosecutor, secondly, took the statement of Z.T.E., born in 2003 (21 years old), on May 8, 2024, who also expressed a desire to benefit from "effective remorse" provisions. Z.T.E. provided information similar to N.Ç.'s regarding the "Bronze, Silver, and Gold Packages" and added that another suspect, R.Ç., encouraged them to listen to Fethullah GÜLEN's religious sermon on YouTube about Ramadan. These activities are also protected under the constitutional right to freedom of belief.

The prosecutor, thirdly, took the statement of M.A., born in 2008 (16 years old), as a **"child driven to crime"** on May 9, 2024. M.A. admitted to communicating with another suspect, Z.Ş.T., through Telegram, Google Meet, and Instagram under the guidance of her mother and participating in religious activities organized by her family. M.A. expressed a desire to benefit from "effective remorse" provisions and provided the names of her friends who participated in these activities. These activities are also protected under the constitutional right to freedom of belief. Additionally, M.A.'s mother, K.A., was detained under the same investigation and was arrested on May 10, 2024, and remains in prison as of the writing of this report. The prosecutor used the information obtained from M.A. as a basis for arresting K.A.

On May 10, 2024, the prosecutor took the statements of 36 more suspects and completed the file, referring 33 suspects to the Istanbul Magistrate's Courts on Duty with a request for their arrest. The prosecutor criminalized activities that fall within constitutional rights, such as living together, sending children to religious programs, teaching in these programs, organizing or participating in social activities like bowling, and built the allegations on this unfounded basis. The prosecutor also considered activities related to religious freedom as "terrorist acts" and used the statements obtained from three individuals, including a minor, to support the allegations.



On May 10, 2024, the Istanbul 5th, 7th, 8th, and 9th Magistrate's Courts interrogated the suspects and **ordered the arrest** of 28 individuals on charges of "**membership of an armed terrorist organization,**" while releasing five individuals to be tried without detention but placed under judicial control. The courts did not provide any additional comments or evaluations in their reasoning for the arrests, merely reflecting the prosecutor's allegations.

During the ongoing process, the prosecutor indicated to the lawyers of the detained suspects that their clients would be released if they benefited from "effective remorse." On May 24, 2024, Z.Z.Y., born in 2005 (19 years old), gave another statement to the prosecutor, expressed a desire to benefit from "effective remorse," and was released the same day at the prosecutor's request and by the decision of the Istanbul 8th Magistrate's Court. Z.Z.Y. provided statements similar to those of other suspects benefiting from "effective remorse."

E.M., born in 1979 (45 years old), gave two more statements to the prosecutor on May 28, 2024, and June 7, 2024, while A.A.A., born in 1977 (47 years old), gave another statement to the prosecutor on June 7, 2024. They were released after the Istanbul 2nd and 8th Magistrate's Courts evaluated their detention on June 7, 2024. Although E.M. requested release due to the need to care for her 15-month-old baby, the prosecutor's attempt to coerce E.M. into providing information about other suspects is evident from the two statements taken. On the same day, the Istanbul 8th Magistrate's Court also ordered the release of G.G.Ç., R.Y., and M.A.Ö.

The objections made by the suspects or their attorneys against the detention orders were rejected by the Istanbul 39th Criminal Court on May 15, 2024, the Istanbul 45th Criminal Court on May 24, 2024, and the Istanbul 47th Criminal Court on May 30, 2024. In the monthly detention evaluations, the Istanbul 7th Magistrate's Court on May 31, 2024, the Istanbul 4th Magistrate's Court on June 6, 2024, and the Istanbul 8th Magistrate's Court on June 7, 2024, decided to continue the detention of all suspects except for the five released individuals mentioned above.

On June 10, 2024, the prosecutor submitted the **indictment** prepared for 41 suspects to the Istanbul 24th High Criminal Court. The Istanbul 24th High Criminal Court ordered the release of two suspects, issued arrest warrants for other two suspects, and set the hearing dates for September 23-27, 2024. The court also decided to hear the testimonies of 15 young girls detained and/or questioned during the May 7, 2024 operation as witnesses. These 15 children will testify against their parents, who taught them lessons and encouraged them to teach lessons.

**When the investigation and the initiated lawsuit are evaluated together,** it is evident that the prosecutor tried to criminalize legal activities within the scope of exercising fundamental rights protected by the constitution, lacking any legal basis. To achieve this, the prosecutor used the "effective remorse" provision as a tool of judicial blackmail, initially targeting children and using the alleged information obtained from them against their parents. The magistrate courts that issued the detention orders and accepted the case, as well as the high criminal court handling the trial, continued using the same method, leading to inhumane and unlawful treatment.

## THE PROBLEM OF 'TERRORISM' DEFINITION IN TURKEY

### THE BROAD AND UNPREDICTABLE DEFINITION OF TERRORISM

The broad and unpredictable nature of anti-terrorism laws leads to the unpredictability of terrorism charges as well. This unpredictability in both the law and its application not only violates the principle of legal certainty but also allows for arbitrary practices.

The European Court of Human Rights (ECHR) has emphasized the unpredictability of Turkey's anti-terrorism laws in its rulings. In the case of *Demirtaş v. Turkey*, the ECHR highlighted the unpredictability of the anti-terrorism law and ruled a violation.<sup>8</sup> The ruling pointed out the broad interpretation of crimes such as establishing, leading, and being a member of an armed terrorist organization as provided in Articles 314/1 and 314/2 of the Turkish Penal Code. In this context, the Court stated that "the content of Article 314 of the Turkish Penal Code, combined with the interpretations by domestic courts, does not provide adequate protection against arbitrary interference by the authorities" (paragraph 337) and that "such a broad interpretation of a criminal law provision cannot be considered legitimate when it equates the exercise of freedom of expression with establishing and leading an armed terrorist organization without any concrete evidence" (paragraph 280), thus indicating the wrongfulness of the broad interpretation of terrorism crimes.

The principles of "**legality and certainty**" in criminal law are fundamental. These principles aim to clearly and explicitly determine which behaviors constitute a crime before the date of the offense. According to these

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<sup>8</sup><https://hudoc.echr.coe.int/eng#%7B%22languageisocode%22:%5B%22ENG%22%5D,%22appno%22:%5B%2214305/17%22%5D,%22documentcollectionid%22:%5B%22CHAMBER%22%5D,%22itemid%22:%5B%2201-187961%22%5D%7D>

principles, individuals must be aware of the prohibited actions and know definitively which behaviors will result in a future criminal conviction. People who cannot foresee that their actions will be condemned in the future or consider their actions as unjust at the time they are committed cannot be punished for those actions. It is impossible for individuals to know or predict that a lawful activity at the time it was conducted would result in a criminal conviction in the future, and the retroactive criminalization of lawful activities is contrary to the principles of legality and certainty.

In practice, the element of '**force and violence**' in the definition of terrorism is often overlooked, leading to the accusation of terrorism for social and cultural activities. This situation has allowed any lawful activity to be treated as a terrorism offense. The latest example is the May 7 operation, where many individuals, including high school girls aged 13 to 17, were accused of terrorism based on activities that should be considered educational.

### USING TERRORISM CHARGES AS A 'WEAPON'

The misuse of actions and measures taken under the name of combating terrorism not only violates fundamental rights but also endangers the freedom of innocents. Terrorism charges are being used as a 'weapon' against civil society, political opponents, activists, journalists, lawyers, and students, harming fundamental rights and freedoms.

Ben Saul, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, highlighted widespread human rights violations in his first report<sup>9</sup> to the Human Rights Council. These violations included unlawful killings, arbitrary detentions, torture, unfair trials, and breaches of privacy. Saul criticized the misuse of counter-terrorism measures, noting that they not only violate the rights of suspected individuals but also endanger the freedom of innocent people. Saul condemned the weaponization of broad terrorism charges against civil society, political opponents, activists, journalists, minorities, and students. He emphasized that many states fail to address the root causes of terrorism, which include their own human rights violations. Saul also accused the UN of inadvertently contributing to strengthening counter-terrorism laws in authoritarian regimes where human rights safeguards are inadequate. His priorities included ensuring regional organizations respect human rights in counter-terrorism efforts, holding states accountable for human rights violations stemming from counter-terrorism measures, and protecting victims of terrorism. Saul warned of increasing authoritarianism, domestic

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<sup>9</sup><https://documents.un.org/doc/undoc/gen/g24/000/66/pdf/g2400066.pdf?token=XU3FB399xrZYuWCtRY&fe=true>

political polarization, geopolitical competition, dysfunction in the Security Council, and new technologies posing growing risks to human rights. He stressed that states must prioritize human rights in all counter-terrorism measures, not just in rhetoric but in practice.<sup>10</sup>

The dangers highlighted by the Special Rapporteur are indeed being experienced in Turkey's use of terrorism charges.

Experts of the international human rights organization Amnesty International have also been targeted by the weaponization of anti-terrorism laws. They expressed this in their reports as follows:

*"In the past five years, the human rights situation in Turkey has significantly deteriorated. Anti-terrorism laws and security measures have been deliberately misused and misapplied against civil society actors and human rights defenders, labeling them as 'terrorists' and their legitimate work as 'separatist activities' or 'threats to national security.' Charges against human rights defenders and activists have created a climate of fear and a chilling effect on the legitimate work of civil society organizations in Turkey."*<sup>11</sup>

In the case of Yüksel Yalçınkaya v. Turkey,<sup>12</sup> decided by the Grand Chamber of the European Court of Human Rights on September 26, 2023, the court explained that the actions cited as grounds for the terrorism charges could not substantiate such accusations, indicating a systematic problem in Turkey. Despite this, the political power, judiciary, and law enforcement bureaucracy in Turkey continue to use terrorism charges as a weapon and violate individuals' fundamental rights.

## THE ABUSE OF LEGAL NORMS THROUGH TERRORISM CHARGES

In the May 7 operation and many similar cases, a pattern emerges where, under the pretext of terrorism charges, arbitrary practices that violate universal legal principles and attack the essence of fundamental rights are implemented under the guise of judicial procedures. Within the framework of these so-called judicial procedures:

- Investigations can be initiated without any act involving force or violence.

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<sup>10</sup> <https://www.ohchr.org/en/press-releases/2024/03/rampant-abuse-counter-terrorism-laws-threaten-human-rights-globally-warns-un>

<sup>11</sup> <https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR4442692021ENGLISH.pdf>

<sup>12</sup> <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-227636%22%5D%7D>

- During the investigation, the suspect and their lawyer can be prohibited from reviewing the case file and obtaining documents.
- Prosecutors can easily decide to wiretap phones and conduct surveillance with technical tools.
- Prosecutors can issue search, detention, and seizure orders based on actions that do not constitute a crime.
- Detained individuals can be interrogated at the police station without being allowed to meet with their lawyers.
- Children aged 13-17 can be detained and interrogated at the police station under the pretext of "information gathering."
- Threats, mistreatment, and torture can occur during the police phase under the guise of taking statements.
- Detained individuals can be pressured and threatened into making self-incriminating statements and accusing others under the pretext of "effective remorse."
- Prosecutors can request the detention of anyone, including university students, based on social activities.
- Peace judges can issue detention orders based on actions that do not constitute a crime.
- Peace judges can issue continuation of detention orders based on actions that do not constitute a crime.
- Prosecutors can file terrorism charges based on social and cultural activities without the presence of an act involving force or violence, which is an element of the crime of terrorism.
- Heavy Penal Courts can issue conviction decisions based on actions that do not constitute terrorism.
- Lawyers' defense activities can be considered terrorist activities.
- Lawyers informing suspects of their legal rights can be considered providing terrorist support.
- Suspects' defense in court and denial of the charges can be used as a justification for imposing heavier sentences.

The above-listed unlawful practices demonstrate the misuse of legal norms under the guise of terrorism charges.

## RIGHT VIOLATIONS

The human rights violations observed in the May 7 operation, which share the same pattern with thousands of other similar cases, can be summarized as follows:

Violation of the Right to Liberty and Security: The detention of 15 girls aged 13-17 from their homes under the pretext of "information gathering" on May 7, 2024, and their interrogation at the police station for 10 hours without legal

support under pressure and threats is a clear violation of their right to liberty and security. Additionally, the arbitrary detention and imprisonment of 24 adults arrested in the same operation, with 21 still in prison, also constitutes a severe violation of the right to liberty and security.

Violation of the Right to Freedom of Religion and Conscience: Classifying the efforts of families wanting to provide religious education to their children as a terrorist crime and deeming these activities illegal, resulting in freedom-restricting measures or penalties against individuals, constitutes a clear violation of the right to freedom of religion and conscience.

Violation of the Right to Freedom of Association: Defining young university women's efforts to develop friendships suitable to their social environment and cooperate to meet their basic human needs, such as accommodation, as forming a "terrorist group" and considering organized activities within this context as "terrorist acts" is a blatant attack on the essence of the right to freedom of association.

Violation of the Prohibition of Torture and Ill-treatment: The detention of girls aged 13-17 from their homes and their subjection to psychological pressure at the police station to make statements against their parents and friends constitute a violation of the prohibition of torture and ill-treatment. Statements by police officers to 15-year-old children, such as "they will make you suffer inside," illustrate the extent of the horror experienced.<sup>13</sup>

Violation of the Right to a Fair Trial: Investigating and prosecuting activities that do not involve any force or violence, but rather the use of fundamental rights protected by the constitution, such as voluntary activities that should be encouraged by society and the state, under arbitrary reasons as terrorist acts, as well as issuing detention and continuation of detention orders for these so-called acts, is a clear violation of the right to a fair trial.

Violation of the Right to Freedom of Expression and Press: Expressing that the detention of high school girls and university students is illegal is considered terrorist propaganda, leading to police measures. Journalists cannot report on this issue or dare to discuss it. They are aware that if they criticize the illegalities in this operation, they will face charges of making terrorist propaganda.

These listed unlawful practices illustrate the reality of the misuse of legal norms under the pretext of terrorism charges.

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<sup>13</sup> <https://bianet.org/haber/uskudar-cocuk-sube-de-16-saatlik-gozalti-psikolojik-baski-ve-avukatsiz-sorgu-295218>

## ASSESSMENT

While it is acknowledged that states need to take measures to protect national security, such actions and measures should not come at the expense of the fundamental human rights that Turkey, as a signatory to international treaties, has committed to upholding.

Human rights must be prioritized, not only in rhetoric but also in practice. Measures taken under the guise of combating terrorism should not only violate the rights of suspected individuals but also endanger the freedoms of innocent people who have committed no crime. Serious human rights violations (arbitrary detentions, torture and ill-treatment, unfair trials) under the pretext of counter-terrorism continue unabated.

The misuse of terrorism charges as a weapon against civil society, political opponents, activists, journalists, the elderly, the sick, pregnant women, and students must end.

The forced detention of girls aged 13-17 by police, the criminalization and detention of 19-year-old university students for their social activities, are clear examples of arbitrariness and severe human rights violations.

## RECOMMENDATIONS

### TO THE GOVERNMENT OF THE REPUBLIC OF TURKEY

**Amend the Definition of Terrorism:** Align the definition of terrorism in Article 1 of the Anti-Terrorism Law with international norms and standards, ensuring it adheres to the principle of legality. Clearly define which crimes are considered terrorist acts, limiting these to deadly actions or severe violence against individuals and hostage-taking.

**Repeal Misused Provisions:** Since the exact definition of terrorist acts is not clear, the crimes of membership in and aiding an organization can be misused outside the context of combating terrorism. Recently, the charge of membership in a terrorist organization has been particularly misused, violating fundamental rights, especially the right to liberty and security. Repeal Article 314/2 of the Turkish Penal Code (TPC) ("membership in an armed organization") and Articles 314/3 and 220/6 and 220/7 of the TPC that refer to the same, as well as Article 2/2 of the Anti-Terrorism Law ("committing a crime on behalf of an organization").

**Revise Propaganda Laws:** Amend Article 7/2 of the Anti-Terrorism Law ("making terrorist propaganda") and Article 220/8 of the TPC ("propaganda for the organization or its aims") to prevent their use in restricting freedom

of expression and peaceful assembly, ensuring compliance with European Court of Human Rights (ECHR) case law.

**Review and Annul Past Convictions:** Review all cases opened and concluded under these articles for compliance with international legal obligations, and annul sentences given under Articles 220/6, 220/7, 314/2, and 314/3 of the TPC.

**Suspend Ongoing Prosecutions:** Implement necessary changes to allow investigation and prosecution authorities to suspend ongoing prosecutions under these problematic articles until their compliance with international human rights law is evaluated.

**Implement ECHR Yalçinkaya Decision:** Implement the legal and administrative measures required by the ECHR Yalçinkaya v. Turkey decision without delay.

**Address Unlawful Practices:** Take action against law enforcement and judiciary personnel who act in violation of ECHR decisions by continuing to issue detention, arrest, and conviction orders based on actions that are not crimes to prevent further unlawful practices.

## TO THE JUDICIARY

**Issue Non-prosecution Decisions:** Issue non-prosecution decisions for individuals under investigation due to the broad and unpredictable interpretation of terrorism, immediately release those detained, and issue acquittal decisions for defendants in such arbitrary cases.

**Redress Convictions:** Use legal avenues, including retrials, to end the victimization of individuals wrongfully convicted on arbitrary terrorism charges and compensate them for their damages.

## TO POLICE AND PROSECUTION AUTHORITIES

**End the Weaponization of Police Measures:** Cease the practice of using police measures as a weapon.

**Adhere to International Norms:** Include ECHR decisions and international norms in the information notes prepared for terrorism investigations.

**Avoid Misclassifying Social Activities:** Stop the wrongful classification of social and legal activities as terrorism.

**Respect the Right to Defense:** End the practice of viewing the right to defense as a terrorist activity.

**Cease Violations of Fundamental Rights:** Stop violating fundamental human rights, particularly the right to liberty, by misclassifying individuals without actions involving force or violence as terrorists.

## TO THE TURKISH BAR ASSOCIATION AND LOCAL BAR ASSOCIATIONS



**Provide Legal Support:** Offer legal support to detainees and their families.

**Monitor and Report:** Closely monitor these investigations and trials, report and publicize unlawful practices, and follow up on these cases.

**File Complaints:** File necessary complaints against law enforcement officers and judicial personnel who commit offenses and monitor the process.

**Advocate for Policy Changes:** Advocate with policymakers to prevent such unlawful practices.

## TO INTERNATIONAL INSTITUTIONS SUCH AS THE EU AND UN

**Encourage Reform:** Encourage Turkish authorities to make regulatory changes to prevent the excessive and arbitrary use of the definition of terrorism.

**Highlight Misuse:** Continuously raise the issue of ending the misuse of terrorism charges as a weapon.

**Share Reports:** Share the content of this report with international human rights organizations, the Council of Europe, the European Union, and the United Nations.

## APPENDIX - 1 Table of Suspects

Name	DoB (year)	Gender	Age	Age (in 2016)	Arrest Status	Alleged Residence	Alleged Activities
R.Ç.	2000	Female	24	16	10/05/2024		32, 33, 36, 40, 41, 42, 51, 33, 58, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 110, 114
A.G.	1978	Female	46	38			1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28
T.S.Ş.	2003	Female	21	13	10/05/2024	MANOLYA	10, 23, 26, 31, 32, 35, 36, 52, 62, 63, 64, 68, 69, 78, 89, 90, 93, 109, 110, 111, 112
H.N.Ç.	1998	Female	26	18	10/05/2024	MANOLYA	30, 31, 32, 35, 36, 62, 63, 64, 66, 67, 71, 74, 75, 77, 78, 89, 90, 93, 111, 114
Z.Ş.T.	2000	Female	24	16	10/05/2024		2, 3, 4, 24, 25, 38, 44, 94, 95, 96, 97, 98, 99, 100, 101
N.E.	1955	Female	69	61			1, 5, 9, 12, 17, 19, 20, 59, 102, 103, 104, 105, 106, 107
Z.T.E.	2003	Female	21	13		KARDELEN	42, 46, 47, 48, 49, 50, 51, 76, 83, 84, 92, 116
K.A.	1984	Female	40	32	10/05/2024		2, 3, 4, 22, 25, 37, 56, 61, 70, 91, 96, 101
F.M.	2002	Female	22	14		KARDELEN	42, 46, 47, 48, 49, 50, 51, 76, 83, 84, 92
N.Ç.	2001	Female	23	15		KARDELEN	42, 46, 47, 48, 49, 50, 51, 76, 83, 84, 92
R.B.Ç.	1995	Female	29	21	10/05/2024		1, 5, 9, 12, 17, 19, 20, 23, 59, 60, 104
M.E.	1983	Female	41	33	10/05/2024		7, 14, 18, 22, 24, 38, 43, 45, 98, 99, 101
A.Z.B.	2005	Female	19	11	10/05/2024-08/07/2024	MANOLYA	30, 31, 32, 33, 34, 35, 63, 64, 65, 93
H.K.	2003	Female	21	13	10/05/2024	ÇAĞLA	39, 40, 41, 42, 76, 79, 80, 82, 88, 92
N.Y.	2000	Female	24	16	10/05/2024	YENİ EV	54, 55, 57, 58, 73, 74, 86, 88, 93, 114
N.E.	1981	Male	43	35	10/05/2024		1, 9, 12, 17, 19, 20, 59, 103, 104, 105
G.Ş.	1978	Female	46	38	10/05/2024		10, 16, 23, 26, 36, 52, 64, 89, 112
N.Z.D.	2004	Female	20	12		ÇAĞLA	39, 40, 41, 42, 76, 79, 80, 92
E.M.	1979	Female	45	37	10/05/2024- 07/06/2024		7, 14, 18, 24, 38, 43, 98, 99
A.Ö.B.	1972	Female	52	44	10/05/2024		2, 3, 4, 7, 22, 25, 37, 101
Z.Z.Y.	2005	Female	19	11	10/05/2024-24/05/2024	YENİ EV	54, 55, 74, 86, 113, 114, 115
E.A.	2002	Female	22	14		ÇAĞLA	39, 40, 42, 76, 79, 80, 92
E.G.	1985	Female	39	31	10/05/2024		9, 17, 19, 20, 59, 104
R.Y.	1983	Female	41	33	10/05/2024		7, 18, 24, 25, 101, 108
A.A.A.	1977	Male	47	39	10/05/2024- 07/06/2024		9, 12, 19, 20, 59, 104
F.Ö.	1973	Female	51	43	10/05/2024		2, 3, 8, 16, 52, 53
A.G.	1995	Male	29	21	10/05/2024		1, 17, 19, 23, 29
T.K.	1987	Female	37	29			36, 63, 71, 77, 89
G.G.Ç.	1983	Female	41	33	10/05/2024- 07/06/2024		9, 17, 19, 59, 104
F.A.	2004	Female	20	12	10/05/2024-08/07/2024	YENİ EV	54, 55, 86, 88
E.B.Ç.	2002	Female	22	14			25, 38, 98, 101
H.Ç.	1972	Male	52	44	10/05/2024		2, 3, 25, 101
H.E.	2006	Female	18	10			22, 43, 101
Z.S.A.	2001	Female	23	15	10/05/2024		17, 82, 87
M.A.Ö.	1984	Female	40	32	10/05/2024- 07/06/2024		61, 70, 91
H.A.	1977	Female	47	39	10/05/2024		17, 75, 82
A.K.	1971	Female	53	45			3, 16, 53
S.T.	2006	Female	18	10			4, 22
Z.U.	2004	Female	20	12			87
B.B.	1982	Female	42	34	10/05/2024		22
S.B.	1999	Female	25	17	10/05/2024		

## APPENDIX- 2 Table of Alleged Activities

Activity	Category	Date	Title
1.Activity	Entry and Exit to Houses	21/01/2024	R.B.G.'s Visit to N.E. and A.G.'s House
2.Activity	Camp and Educational Program	22/01/2024	Camp Held in Akören Village
3.Activity	Camp and Educational Program	24/01/2024 - 25/01/2024	Activities at the Camp in Akören Village and Going to the Bowling Program
4.Activity	Camp and Educational Program	25/01/2024	After Akören Camp House - Marmara Park Mall - Bowling Program
5.Activity	Entry and Exit to Houses	28/01/2024	R.B.G.'s Visit First to N.E., Then to A.G.
6.Activity	Entry and Exit to Houses	29/01/2024	Entry and Exit to Address No:67, Taşocağı Street, Çağlayan Neighborhood, Kağıthane
7.Activity	Entry and Exit to Houses	27/01/2024-01/02/2024	Visit to Manzara Vadi Houses
8.Activity	Camp and Educational Program	2/02/2024	Meeting with a Person Named F.Ö.
9.Activity	Entry and Exit to Houses	03/02/2024 - 04/02/2024	R.B.G.'s Visit First to N.E., Then to A.G.
10.Activity	Entry and Exit to Houses	5/02/2024	Visit to Beylikdüzü Eston Reşit Paşa Houses
11.Activity	Entry and Exit to Houses	7/02/2024	Visit to Beylikdüzü Yeşilvadi Residences No:2
12.Activity	Entry and Exit to Houses	11/02/2024	R.B.G.'s Visit First to N.E., Then to A.G.
13.Activity	Camp and Educational Program	12/02/2024	Visit to Workplace at No: 155, 23rd Street, Mareşal Fevzi Çakmak Street, Yakuplu Neighborhood
14.Activity	Entry and Exit to Houses	13/02/2024	Visit to Demir Lavidia Complex with E.M.
15.Activity	Overseas Trip	7/02/2024	Phone Call for GSM Line 0532 XXX XXXX
16.Activity	Camp and Educational Program	20/02/2024	Program at A.K.'s Residence
17.Activity	Camp and Educational Program	25/02/2024	R.B.G.'s Visit to Tabanlı Complex / A.G.'s Meeting with E.E. in Front of Tabanlı Complex
18.Activity	Camp and Educational Program	29/02/2024	Program and Meetings at R.Y.'s House
19.Activity	Entry and Exit to Houses	3/03/2024	R.B.G.'s Visit First to N.E., Then to A.G.
20.Activity	Entry and Exit to Houses	10/03/2024	R.B.G.'s Visit First to N.E., Then to A.G.
21.Activity	Food and Aid Packages	10/03/2024	Cinema Program at Perlavista Mall and Giving Food Package
22.Activity	Camp and Educational Program	15/03/2024 - 17/03/2024	Meeting About the Program at K.A.'s House
23.Activity	Camp and Educational Program	23/03/2024	Program at G.-A. Ş.'s House
24.Activity	Camp and Educational Program	27/03/2024	Program at G.E.'s House
25.Activity	Camp and Educational Program	4/04/2024	Iftar Program at R.Y.'s House
26.Activity	Entry and Exit to Houses	5/02/2024	Visit to Beylikdüzü Eston Reşit Paşa Houses
27.Activity	Entry and Exit to Houses	7/02/2024	Visit to Beylikdüzü Yeşilvadi Residences No:2
28.Activity	Food and Aid Packages	10/03/2024	Cinema Program at Perlavista Mall and Giving Food Package
29.Activity	Phone Call	11/02/2024	A.G.'s Discussion About A.A.'s Line
30.Activity	Entry and Exit to Houses	24/01/2024	Suspect's Entry and Exit to Manolya House
31.Activity	Entry and Exit to Houses	25/01/2024	Entry and Exit to Manolya House
32.Activity	Association	31/01/2024-01/02/2024	Association
33.Activity	Entry and Exit to Houses	05/02/2024 - 06/02/2024	Entry and Exit to Manolya House with R.Ç.
34.Activity	Association	7/02/2024	Ordering to the House
35.Activity	Rent Payment	5/04/2024	Discussion with T.S.Ş.'s Father A.Ş. About Rent
36.Activity	Phone Call	18/04/2024 - 19/04/2024 - 20/04/2024	Discussion with G.Ş. About R.Ç. - E.
37.Activity	Camp and Educational Program	10/02/2024	Program at Orkide Houses - G.A.'s House
38.Activity	Camp and Educational Program	20/03/2024	Discussion About the Program Held at Doğuş Complex A-2 Block, 2316th Street, Esenyurt Barbaros Hayrettin Paşa Neighborhood
39.Activity	Association	04/03/2024 - 06/03/2024 - 08/03/2024	Discussion with Alparslan Tek About Household Appliances (Regarding Household Appliances Purchased)
40.Activity	Entry and Exit to Houses	21/03/2024-22/03/2024	Entry and Exit to Çağla House by R.Ç.
41.Activity	Entry and Exit to Houses	23/03/2024	Entry and Exit to Çağla House by R.Ç.
42.Activity	Rent Payment	26/04/2024 - 29/04/2024	Money Exchange for House Rent
43.Activity	Phone Call	21/02/2024	Phone Call with M.E. via Google Meet
44.Activity	Phone Call	21/02/2024	Phone Call Between Z.Ş.T. and D.Ç.
45.Activity	Phone Call	15/03/2024	Discussion About N.D.'s Detention
46.Activity	Association	12/02/2024	Discussion About Association at Kardelen House
47.Activity	Association	13/02/2024	Discussion About Association at Kardelen House
48.Activity	Phone Call	14/02/2024	Discussion About Activities
49.Activity	Rent Payment	26/02/2024	Discussions About House Rent
50.Activity	Phone Call	21/03/2024	Discussion About Activities
51.Activity	Camp and Educational Program	6/04/2024	Phone Calls About Program at Kardelen House
52.Activity	Phone Call	31/01/2024	Meeting with G.Ş.
53.Activity	Camp and Educational Program	24/02/2024	Program
54.Activity	Association	1/03/2024	Discussion About Staying Together at Yeniev House
55.Activity	Association	14/04/2024	Discussion About Staying Together at Yeniev House and Rabia Çelik Staying at the House
56.Activity	Phone Call	29/02/2024	Meeting with N.B.
57.Activity	Overseas Trip	05/02/2024 - 08/02/2024	Discussion About Passport Appointment for Trip to Romania
58.Activity	Phone Call	24/02/2024	Discussion About Activities - Mention of B.
59.Activity	Camp and Educational Program	18/02/2024	Program at N.E.'s House and Meeting with E.G.
60.Activity	Phone Call	23/02/2024	Meeting of R.B.G. with Z.E.
61.Activity	Camp and Educational Program	20/01/2024	Phone Call About Activity at M.A.Ö.'s House
62.Activity	Entry and Exit to Houses	22/01/2024 - 23/01/2024 - 25/01/2024 - 03/02/2024	Entry and Exit to Manolya House
63.Activity	Overseas Trip	30/01/2024	Visit to MostTur - Beylikdüzü with H.N.Ç. for Overseas Trip
64.Activity	Association	31/01/2024 - 01/02/2024	Association with H.N.Ç.
65.Activity	Entry and Exit to Houses	05/02/2024 - 06/02/2024	Entry and Exit to Manolya House with A.Z.B.
66.Activity	Entry and Exit to Houses	8/02/2024	Entry and Exit to Manolya House
67.Activity	Association	12/02/2024	Association with H.N.Ç.
68.Activity	Association	16/02/2024	Association with T.S.Ş.
69.Activity	Entry and Exit to Houses	17/02/2024	Entry and Exit to Manolya House
70.Activity	Camp and Educational Program	18/02/2024	Phone Call About Activity at M.A.Ö.'s House

71.Activity	Association	24/02/2024	Association with H.N.Ç. (Mention of E.)
72.Activity	Entry and Exit to Houses	24/02/2024	Entry to Manolya House
73.Activity	Phone Call	24/02/2024	Discussion About Activities - Mention of B.
74.Activity	Association	23/02/2025-25/02/2024	Association with H.N.Ç. (Connection Between Houses)
75.Activity	Entry and Exit to Houses	26/02/2024	Entry of R.Ç. to Tabanlı Complex
76.Activity	Rent Payment	27/02/2024	Money Exchange for House Rent
77.Activity	Overseas Trip	5/03/2024	Discussion About Overseas Trip
78.Activity	Camp and Educational Program	6/03/2024	Exit to Manolya House - Meeting with Z.A.
79.Activity	Entry and Exit to Houses	21/03/2024-22/03/2024	Entry and Exit to Çağla House
80.Activity	Entry and Exit to Houses	23/03/2024	Entry and Exit to Çağla House
81.Activity	Entry and Exit to Houses	23/03/2024	Phone Call with Ş.D. and Entry and Exit to Erguvan Complex
82.Activity	Entry and Exit to Houses	1/04/2024	Entry and Exit to Tabanlı Complex by R.Ç.
83.Activity	Entry and Exit to Houses	5/04/2024	Exit to Kardelen House - Visit to Ş.D.'s Residence
84.Activity	Camp and Educational Program	6/04/2024	Phone Calls About Program at Kardelen House
85.Activity	Camp and Educational Program	7/04/2024	Meeting with Z.A.
86.Activity	Association	14/04/2024	Discussion About Staying Together at Yeniev House and R.Ç. Staying at the House
87.Activity	Entry and Exit to Houses	15/04/2024 - 17/04/2024 - 19/04/2024	Entry to Address No:23, Celal Atik Street, 19 Mayıs Neighborhood, Şişli
88.Activity	Camp and Educational Program	18/04/2024	Meeting at Gloria Jean's Coffees in Marmara Park Mall
89.Activity	Phone Call	18/04/2024 - 19/04/2024 - 20/04/2024	Discussion with G.Ş. About R.Ç. - E.
90.Activity	Association	19/04/2024	Discussion About Arrival at Manolya House
91.Activity	Entry and Exit to Houses	21/04/2024	Visit to K.A.'s Residence
92.Activity	Rent Payment	26/04/2024 - 29/04/2024	Money Exchange for House Rent
93.Activity	Overseas Trip	29/04/2024	Passport Exchange
94.Activity	Phone Call	21/02/2024	Phone Call Between Z.Ş.T. and D.Ç.
95.Activity	Association	22/02/2024	Visit to Balikesir/Bandırma
96.Activity	Entry and Exit to Houses	25/02/2024	Visit to Florya Beach with M.A.
97.Activity	Camp and Educational Program	18/03/2024	Discussion About Upcoming Program
98.Activity	Camp and Educational Program	20/03/2024	Discussion About the Program Held at Doğuş Complex A-2 Block, 2316th Street, Esenyurt Barbaros Hayrettin Paşa Neighborhood
99.Activity	Camp and Educational Program	23/03/2024	Program at M.E.'s Residence
100.Activity	Phone Call	11/04/2024	Discussion About Being a Student Group
101.Activity	Camp and Educational Program	13/04/2024	Program and Meetings at Bizim Evler 6 Complex
102.Activity	Phone Call	7/02/2024	Phone Call
103.Activity	Phone Call	11/02/2024	Phone Call
104.Activity	Camp and Educational Program	18/02/2024	Program at N.E.'s House and Meeting with Esra Gülbaş
105.Activity	Phone Call	18/02/2024	Phone Call
106.Activity	Phone Call	9/03/2024	Phone Call
107.Activity	Phone Call	21/03/2024	Phone Call
108.Activity	Phone Call	29/01/2024	Meeting
109.Activity	Association	26/01/2024	Exit to Manolya House
110.Activity	Entry and Exit to Houses	28/01/2024	Entry and Exit to Manolya House
111.Activity	Entry and Exit to Houses	12/02/2024	Entry to Manolya House
112.Activity	Phone Call	12/02/2024	Phone Call About Activities
113.Activity	Overseas Trip	5/02/2024	Discussion About Passport Appointment for Overseas Trip
114.Activity	Association	23/02/2024 - 25/02/2024	Association with H.N.Ç. (Connection Between Houses)
115.Activity	Association	29/02/2024	Discussion About Staying at Yeniev House
105.Activity	Phone Call	4/03/2024	SMS About Paying House Rent
116.Activity	Overseas Trip	7/02/2024	Discussion About Passport Appointment for Trip to Romania

Explanation 1: 116 Activities are numbered in the indictment, but since Activity 105 is numbered twice, there are 117 Activities in total.

Explanation 2: Statements in the indictment were edited and used as Activity titles.

Explanation 3: The indictment does not include categories. The categorization was made by us.