



Amsterdam, May 16, 2024

To the kind attention of:

Mr. Volker Türk

High Commissioner for Human Rights

Urgent appeal: Mass arrest of 544 persons on 14 May 2024 (accused to apply to national exams for public service) and another arrest of 38 persons (including 15 minors - for providing support to families of detainees)

Dear Mr. Türk,

Stichting Justice Square¹ writes this letter to call on you to take a strong action to stop the arbitrary and unlawful mass detentions and arrests of real or alleged members of the Hizmet/Gülen Movement and other Government opponents including the members of an opposition political party (DEM Party). The Turkish Government has pursued this policy of persecution for nearly ten years through mass arrests, detentions, and unjust prosecutions of Hizmet/Gülen movement members under abusive interpretation and implementation of anti-terror legislation, which the United Nations Working Group on Arbitrary Detention has indicated on many occasions that it may constitute as *crimes against humanity*.

Stichting Justice Square, based in Amsterdam, is a non-profit and non-governmental organisation working globally to make a meaningful impact on the lives of persecuted people, refugees, victims of war, and those affected by conflict and displacement by promoting democratic values, encouraging international cooperation and advocating for the protection of human rights. We would like to draw your attention to the recent wave of mass arrests that took place in Türkiye.

It is also very well-known by you that human rights violations against dissidents in Turkey, particularly members of the Gulen Movement, have intensified after the coup attempt on July 15, 2016, for which the Government baselessly blamed Gulen movement declaring it as a terrorist organization. The latter has never been accepted by any international organisation and democratic country. However, the mass detentions and torture incidents that started immediately after the coup attempt, and the Extraordinary Statutory Decrees (OHAL Decrees) issued to preclude the crimes committed by those involved in these investigations from criminal investigations, have irreparably damaged the rule of law in Turkey for a long time.

1 <https://justicesquare.org/>

This mass investigation, detention, and arrest campaign, in time, has turned into a *witch hunt* against the Gulen Movement and has continued to the present day.

The information shared by the Turkish Minister of Interior Ali Yerlikaya on X on January 30, 2024, clearly demonstrates that the practices of *criminal law of the enemy* which have become state policy against these individuals, are continuing. According to the Minister's information, between January 1, 2023, and December 31, 2023, there were 6,775 operations conducted against members of the Gulen Movement. In these operations, 9,639 people were detained, 1,689 people were arrested, and judicial control measures were applied to 1,677 people². From January 1, 2024, to May 14, 2024, the number of people detained from the Gulen Movement has reached 1,877.³

Minister Ali YERLİKAYA reiterates the Government's firm unlawful stance and policy at every opportunity by posting tweets using the most abusive and dehumanizing language about the arrested persons that members or supporters of the Gulen Movement are "traitors and the most notorious terrorists who must be eliminated".⁴

The level of persecution has now started to reach the high school students and even primary school students with one of the latest mass arrests took place on 6 May 2024.

The operation against university, high school and primary school students in Istanbul on **May 6, 2024**, in which 38 people, including 14 students most of them were younger than 15, were detained, and the other recent operation carried out simultaneously in 62 provinces on **May 14, 2024**, in which 544 people were detained. These are the latest grave examples of the extent to which *Criminal Law of the Enemy* practices against the Gulen Movement in Turkey have reached.

On May 6, 2024, 38 persons were arrested as part of an investigation conducted by the Istanbul Chief Public Prosecutor's Office, and 29 of these were detained. The accusations were providing educational coaching to children whose parents are imprisoned, thereby supporting the families⁵. However, this operation differs from previous ones, as until now, there had not been a direct investigation into minors in such circumstances. In this latest incident, it is observed that even minors are now being directly targeted in terrorism investigations related to the Gulen Movement.

Many high school and university students, most of whom are girls, were detained along with their mothers. Sixteen children under the age of 18 were held in a separate unit from their

2 <https://x.com/AliYerlikaya/status/1752201691200393572?s=20>

3 <https://www.solidaritywithothers.com/post/turkey-rights-monitor-issue-203>

4 <https://x.com/AliYerlikaya/status/1790280001750712556>

5 <https://kronos36.news/tr/29-tutuklama-parkinson-hastasi-anne-kiziyla-birlikte-hapse-gonderildi/>

mothers at the police station and were subjected to psychological torture, being threatened by the police with statements such as **"we will make you vomit blood"**.⁶

In the operation⁷, which was urgently brought to the agenda by DEM Party MP Ömer Faruk Gergerlioğlu, high school students were interrogated for 16 hours and forced to give statements against their families. During the detention, **the children were not allowed to see their lawyers and were prevented from informing their relatives and were intimidated them to harm their families.**

When the details of the investigation are examined, as we reached through the lawyers in Türkiye, it is seen that the children's phones were tapped and that they were remotely followed by the police during social activities such as picnics and dinners they went to with their families. As a result of this technical and physical surveillance, during which conversations and activities related to daily life were recorded, the following absurd questions were asked to the students:

- a. *"... it has been detected that your and ... cell phones received signal from the same tower (using the cell tower belonging to the same address). Please give your statement on this matter."*
- b. *"It is considered that the interview and signal data confirm that you stayed in the same house with ..., Please give your statement on the subject."*
- c. *"... you mentioned a person named ..., ... you made a plan to meet... Please give your statement on the matter."*
- d. *"It is evaluated that you met with ..., left with ..., had lessons with ... Please give your statement on the subject."*
- e. *"It is understood that the conversations were about a trip abroad... Give your statement."*
- f. *"Why are you staying in another house when your family resides in Istanbul?"*
- g. *"...it has been established that you first went to ... hospital, then visited the house at ... and stayed at ... house. Please give your statement about this."*
- h. *"It was detected that you entered the address "... and then left with a black bag labelled Aker, the contents of which were unknown. What was the purpose of this visit and what was in the bag?"*
- i. *"Since the person named went to the address of ... one day before you, your going to the same address one day later was considered as an organizational meeting. Give your statement about this."*

6 <https://www.turkishminute.com/2024/05/15/erdogan-crackdown-donot-spare-minors-teenagers-recount-trauma-of-police-custody/>

7 <https://x.com/gergerlioglueng/status/1788305041297641486>

- j. *(Upon your declaration that the contents of the bag were food, but another suspect described it as fruit) "... give your statement about the issues that contain contradictions."*
- k. *"It was found that you gave a white bag and ..., ... took something from inside your bag. Give your statement about this".*
- l. *"... it was found that you left the house at ..., then met with ..., ... then went to your family's residence and left there to meet with your friend Please give your statement on this matter."*

Obviously, it is seen that questions based on physical surveillance aim to portray routine activities of daily life as organizational activities and are based on questioning individuals' personal freedoms.

29 of the detainees, including university students detained with their mothers, were arrested on the grounds some of them as follows:⁸

- a. *R.G. for teaching English to 5 primary school students,*
- b. *H.A. on the grounds of providing English lessons to his/her middle school-aged daughter.*
- c. *N.E. on the grounds that he/she drove home the teacher who gave English lessons to his/her child,*
- d. *K.D. on the grounds that his/her daughter had invited her friends for dinner at her house,*
- e. *G.G. for making his/her daughter take English lessons in primary school,*
- f. *Z.T. on the grounds that he was an educational coach for students,*
- g. *H.K. (A university student) was arrested on the grounds that she and another friend were living in a house apart from their families.*

Again, on **May 11, 2024**, in 3 separate operations organized by Istanbul, Izmir and Ankara Chief Public Prosecutor's Offices, arrest warrants were issued for 87 people, including university students and former police officers, and 40 of these people were **detained**.⁹

In one of the widespread recent operations against the Gulen Movement that was carried out on **May 14, 2024**, **544 people were arrested** in simultaneous operations in 62 provinces. According to the statement made by the Minister of Interior on his X account, the arrested persons are accused of preparing for exams to recruit civil servants for public institutions.¹⁰ It is also understood that persons were arrested for non-criminal acts such as being a ByLock user and being called from a pay phone, which is refused to be as sufficient evidence for

8 <https://kronos36.news/tr/29-tutuklama-parkinson-hastasi-anne-kiziyla-birlikte-hapse-gonderildi/>

9 <https://turkishminute.com/2024/05/11/turkey-issue-detention-warrant-for-87-people-over-alleged-gulen-links-in-week/>

10 <https://x.com/AliYerlikaya/status/1790280001750712556>

membership in a terrorist organization in the ECHR decision *Yalçinkaya v. Turkey* (Application no: 15669/20) and other hundreds of detention related cases.

According to Article 48 of the Constitution of the Republic of Türkiye; *"everyone has the freedom to work and contract in any field of his choice."* Article 49 of the Constitution states that *"work is everyone's right"*.¹¹ Therefore, it is not a crime, but rather a constitutional right to apply for or prepare for the exams opened for the recruitment of civil servants to public institutions. In this case, the decision to detain 544 people who are only preparing for these exams is not only against the law but also against reason and logic.

On the other hand, Minister Ali Yerlikaya continues to make provocative statements on his X account, saying, *"We will not give FETÖ supporters a chance. Our operations will continue with determination thanks to the outstanding efforts of our security forces for the peace, unity, and solidarity of our dear nation."*¹² The Minister's accusatory words are directed at individuals who have no connection with the controversial coup attempt, the circumstances of which have not been identified through an independent and impartial judiciary so far. None of the arrested individuals were involved in the failed coup attempt or any criminal activity. The Minister's words fall into the category of hate speech and violate the presumption of innocence of those arrested.

In short, a large number of operations against members of the Gulen Movement accompanied with mass arbitrary imprisonment, persecution, and other gross human rights violations under the Government's policy have now reached up to crime against humanity. Despite the UN treaty bodies and special procedures' opinions and the recent ECtHR Grand Chamber's conclusive ruling in the *Yalçinkaya* judgment that the applicant's rights under Articles 7, 6 and 11 of the Convention had been violated and that these individuals had been tried and convicted solely based on their lawful activities, it demonstrates the government's draconian and persistent policy against them.

It is not only the detained individuals who are punished by these operations; those isolated from society because their family members are imprisoned, and therefore unable to find jobs in either the public or private sector, are effectively abandoned to civil death and starvation. 1,877 people have been detained or arrested on the grounds of being connected to the Gulen Movement since January 1, 2024. The actions attributed to the arrested individuals claimed to be criminal are entirely legal activities. Despite decisions by the European Court of Human Rights, Turkish authorities continue to conduct operations based on a *complicity* policy against individuals whom they believe to be members or supporters of the Gulen Movement.

11 <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf>

12 <https://x.com/AliYerlikaya/status/1790280001750712556>

These developments are the most important indication that constitutional and legal rights have been suspended in Türkiye along with the provisions of the Constitution. At this point, a situation has emerged where the Constitutional Court does not recognize the decisions of the ECtHR and local courts do not recognize the decisions of the Constitutional Court and ECtHR, where the most basic principles of democracy such as the right to education and the right to work are tried to be abolished by members of the judiciary under the pressure of the Erdoğan regime, and where members of the Gülen Movement are denied the right to life. In such a situation, where 669 people have been arrested, detained, and arrested in the last week, no one can be expected to feel safe.

The escalating repressive measures of the Erdoğan regime target not only members of the Gülen Movement but also particularly politicians affiliated with the DEM party. Most recently, on 15 May 2024, 15 DEM party members and politicians were detained following raids on their homes.¹³ Despite the judgements of Kavala and Demirtas imposing their immediate release, the retrial request for Kavala was rejected by the court and Demirtas was sentenced to another harsh sentence of over 25 years of imprisonment.

In line with the duties and values outlined in our founding document as Justice Square, we draw your attention to the severe human rights violations in Turkey mentioned above and expect you to take strong action on this matter.

To this end, we kindly invite you that you:

- a. Contact the relevant Turkish Authorities regarding the recent mass arrests and detentions,
- b. Request information on the charges and measures taken in these operations,
- c. Urgently request information from Turkish authorities about the physical and mental health conditions of the detained individuals.
- d. Call them to end this brutal persecution and unlawful and arbitrary arrests and detentions.

Sincerely yours,

Chairman of the Board of Directors
Stichting Justice Square

13 <https://twitter.com/dempartistanbul/status/1790627823125770277>

Also sent to:

Ms. Alice Jill EDWARDS

Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Ms. Ana BRIAN NOUGRERES

Special Rapporteur on the Right to Privacy

Mr. Ben SAUL

Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism

Ms. Gina ROMERO

Special Rapporteur on The Rights to Freedom of Peaceful Assembly and of Association

Ms. Irene KHAN

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Ms. Margaret SATTERTHWAITE

Special Rapporteur on the Independence of Judges and Lawyers

Ms. Marija Pejčinović Burić

Secretary General, Council of Europe

Mr. Dr. Matthew Gillett

Chair of the Working Group on Arbitrary Detention

Mr. Michael O' Flaherty

Commissioner for Human Rights, Council of Europe