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IMMIGRATIE-en NATURALISATIEDIENST

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Notification: The recent wave of mass arrests that have taken place in Turkey between 6 and 30 May, 2024. (including minors and students - for providing support to families of detainees)

Introduction

Stichting Justice Square¹, 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 Turkiye.

It is very well-known 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 aléso 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. 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.

In the previous Notification Letter we issued on **February 22, 2024**,² your Ministry was informed about the widespread and grave human rights violations in Turkey starting from the coup attempt on 15 July 2016. However, the process, which was the subject of the previous

1 <https://justicesquare.org/>

2 <https://justicesquare.org/indyeyapilan-bildirim/>

letter, continues dynamically and new ones are being added to the human rights violations that were the subject of the previous letter every day. As of today, more than 100.000 people are at risk of being subjected to ill-treatment or torture due to the lawlessness and human rights violations that have become a State policy and continue unabated.

Therefore, as Stichting Justice Square, we consider it appropriate to draw the authorities' attention once again to these widespread and systematic detentions and other serious deprivations of liberty in violation of fundamental rules of international law, which the United Nations Working Group on Arbitrary Detention stated that those actions “**may constitute crime against humanity**” (§785).³

However, in light of the recent assessments conducted by government authorities, wherein they have considered the political and legal developments in Turkey, particularly pertaining to individuals classified as the high-risk category, notable adjustments have been observed in the nation's policy. On November 28, 2023, the Ministry of Justice and Security sent a letter, concerning the persons coming from Turkey to seek asylum in the Netherlands, to the Parliament (Tweede Kamer) on the country policy regarding Turkey. The letter, based on the report published by the Dutch Ministry of Foreign Affairs in August 2023, states that there are three distinct groups of refugees originating from Turkey, who fall under high-risk group according to the prevailing country policy.

The letter states that with regard to Gülenists, who are considered to be in the high risk group, there are improvements in the judgements delivered by the Turkish courts, especially in cases involving downloading and/or using a messaging programme (Bylock) on the phone, holding an account with a private bank (Bank Asya) and making bank transactions. It also states that the judgments delivered in favor of the defendants have also been affirmed by the the Court of Cassation and the Constitutional Court. The letter further argues that in view of this new situation, the 'arbitrariness' that was previously common in criminal investigations against Gülenists was no longer persists to the same degree, that the intensity of criminal investigations against Gülen supporters decreased and that, given the developments during the reporting period, there was no reason to assume that the Turkish authorities' actions against Gülenists were arbitrary. Finally, in the light of the findings articulated in the letter, the Netherland authorities have decided to abandon the view that persons, in respect of whom asylum proceedings had been initiated up to that date, would face persecution if returned to their country of origin. And their cases would be assessed on the same level as those of the regular refugees, meaning that the likelihood of persecution they would face if they were to return to Turkey would also be assessed on a case-by-case basis by examining the individual circumstances of each asylum applicant.

3 WGAD/3/2023, 03/5/2023 <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-3-AEV.pdf>

In contrast to the findings presented in the letter, it is evident from the facts of the current situation in Turkey that there has been no decrease in the repression and persecution of members of the Hizmet Movement in the country, persisting as a State policy, nor does appear any decrease in human rights violations committed against the perceived members of the Hizmet Movement. In fact, very recently the Turkish Interior Minister and other state officials have firmly declared that the operations and [politically motivated unlawful] investigations and prosecutions against the supporters, or the perceived members, of the Hizmet will continue unabated.

After this policy change of IND, Turkish Citizens were excluded from the priority group, and it is observed that the asylum requests of the members of Hizmet Movement, mainly children and young people who had to seek asylum in the Netherlands because they feel themselves in danger in Turkey due to the investigations carried out against their families, were rejected on the grounds that there was no investigation about them.

However, with regard to the recent operations against the member of the Hizmet movement, it can be seen that the freedom and security of people, especially the school children and even primary school students, whose relatives have been dismissed from their jobs or detained and arrested because of their legal and routine activities in accordance with the ECHR decisions are also at risk.

For people who have been isolated from society and subjected to civilian death, it is considered as a criminal offence for their children to take lessons from someone else to prepare for exams, or even to be in the same environment. **Children as young as primary school age were subjected to months of physical surveillance** in the courses they attended, as if they were terrorists, and everything they did was recorded. In this situation, hundreds of thousands of individuals and family members live with the psychological anxiety of being visited by the police every morning. Because, especially regarding the investigations against the members of the Hizmet Movement examined below, it is not necessary to have committed an act of violence and violence, which are essential elements of terrorism, to be arrested and punished for membership of a terrorist organisation. Being a relative of a Gulen-linked person who has been imprisoned or illegally dismissed from his job, or even receiving help from him, is enough to be accused of a criminal offence.

The main purpose of this letter is to describe the experiences of children and young people who represent another dimension of the ongoing persecution in Turkey, and to draw your attention to the recent wave of mass arrests that have taken place in Turkey, which should be taken into account when considering their asylum claims.

The Recent Development of the Investigations Against the People Against Hizmet/Gulen Movement

In Turkey, where anti-democratic and arbitrary practices have reached their peak with the recent developments, **and even the daily life routines of the members can easily be considered as criminal offence**, there is no sanctuary in the country, where the members of the Hizmet Movement (or those alleged of belonging to this group) can be safe from the persecution, such as arbitrary arrest, torture and other forms of ill-treatment, long-term detention in prison, conviction of the most serious crimes upon trumped terrorism charges proceeded through sham trials, with a complete disregard for the principle of legality and the principles of the right to a fair trial. Government's avowed resistance to the recognition and the implementation of the ECtHR's Yalçinkaya judgement, and the recent operations carried out against the members or the supporters of the Hizmet Movement, leave no room for doubt that there has been no shift from the Government's initial (annihilation) policy against the Movement, which has amounted to crimes against humanity.

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 people⁴. Again, according to the information provided by the Minister Yerlikaya **on May 24, 2024, 5191 operations** were carried out against members of the Gülen Movement in the **11-month period (June 1, 2023-May 15, 2024)** since the day he took the office, and **8153** people were detained in these operations.⁵

From January 1, 2024, to May 24, 2024, the number of people detained from the Gulen Movement has reached 2,060⁶ and as of May 30, 2024, has amounted to 2167.

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".⁷

The level of persecution has now started to reach the **high school students and even primary school students**, who are mainly women, 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 whom were women and younger**

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

5 <https://x.com/AliYerlikaya/status/1793868040183963967>

6 <https://www.solidaritywithothers.com/post/turkey-rights-monitor-issue-205>

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

than 15, were detained. The other recent operations carried out in May are chronologically as follows:

- **May 11, 2024:** 87 people detained,
- **May 14, 2024:** 544 people detained,
- **May 21, 2024:** 46 people detained,
- **May 24, 2024:** 45 people detained,
- **May 28, 2024:** 8 university students detained,
- **May 29, 2024:** 9 people detained, and
- **May 30, 2024:** 90 people 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.

Mass Detentions Against Women, Children and Students

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 families⁸. 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 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*".⁹

In the operation¹⁰, 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 by the police officers 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 meetings, picnics, and dinners they went to with their families. As a result of this technical and physical surveillance, during which

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

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

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

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."*
- 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."*

Detained people were also accused of hugging each other as it was a secret way of exchanging a criminal asset.¹¹ 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.

11 <https://x.com/Hurriyet/status/1796217509118615887>

29 of the detainees, including female university students detained with their mothers, were arrested on the grounds some of them as follows:¹²

- 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.*

Another example of such investigations is the operation carried out on **May 28, 2024**, in which **8 university students were detained**. In the investigation carried out by the Istanbul Chief Public Prosecutor's Office, it is alleged that the Hizmet/Gülen Movement encouraged university students to stay together, that one of the students, in order to avoid attracting attention, fulfilled the procedures regarding the lease contract and invoices, that no documents related to the Gülen/Service Movement were kept in the houses, and that all these were preparations for terrorist activities to be carried out.

One of the students detained on these allegations was Huzeyfe Sagbas. **Huzeyfe Sağbaş (24), a 4th year student at Akdeniz University, Faculty of Business Administration**, was detained in Antalya within the scope of the Gülen Movement investigations because he had rented a flat with a friend. However, Huzeyfe Sagbas had an accident on 5 December 2023 while working as a courier to earn his university tuition and **was in intensive care for days due to head trauma caused by hitting his head**. According to doctors, Sagbas, who had **not yet regained full consciousness**, was unable to continue his studies. Despite this, Huzeyfe Sagbas **was detained and forced to testify against the other detainees**.¹³

These allegations have no legal basis and that the points stated in the ECtHR's Yalçinkaya judgement have been ignored. The statement that 'no organisational documents and criminal asset were found' in the operation is almost an admission of how unlawful the allegations against university students are.¹⁴

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

13 <https://kronos36.news/moto-kuryelik-yaparken-kaza-geciren-universite-ogrencisi-gozaltina-alindi/>

14 <https://www.habervitrini.com/feto-guncel-ogrenci-yapilanmasi-operasyonu/1120441>

The latest mass detention against the member of Hizmet/Gülen Movement was so called “Kıskaç 18”¹⁵ operations simultaneously carried out in 17 cities on **May 30, 2024**, and **90 people** were arrested in police raids.¹⁶ One of the people detained on these allegations was Esengül ARSLAN. **Esengül ARSLAN (23), a 3rd year student at Cerrahpaşa Florence Nightingale Faculty of Nursing**, who had to move to Istanbul after the catastrophic earthquake occurred on the 6th of February, 2023 in Hatay, was detained in Istanbul within the scope of the Gülen Movement investigations because **the pocket money sent by her relatives abroad was considered as “terror financing”**.¹⁷

Considering that this is the **18th of these operations**, it is seen that the massive and unlawful detentions against the Hizmet/Gülen movement have become commonplace and have started to lose their noticeabilities among not only local but also international public opinion. Regarding the **Turkish Penal Code 77/1-d**¹⁸ and the resolution made by the **United Nations Working Group on Arbitrary Detention**, stating that the arrests in all of these cases were arbitrary and that such widespread or systematic imprisonment or other serious deprivation of liberty in violation of fundamental rules of international law “*may constitute crimes against humanity* (§ 785)”,¹⁹ it can be confirmly declared that the investigations against the Hizmet/Gülen Movement in Turkey have now turned into an ethnic cleansing.

Mass Detention Against the Members of Hizmet/Gülen Movement in Other Investigations

On **May 11, 2024**, arrest warrants were issued for **87 people**, including university students and former police officers, in three separate operations organized by Istanbul, Izmir and Ankara Chief Public Prosecutor's Offices.²⁰

In one of the widespread recent operations against the Gülen Movement that was carried out on **May 14, 2024**, and **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**

15 “Kıskaç” (clamp) is the discreditable name which was produced by the Minister of Interior specially for the operations against the member of Hizmet/Gülen Movement.

16 <https://x.com/AliYerlikaya/status/1796044090628350145>

17 <https://stockholmcf.org/turkish-court-arrests-student-for-receiving-money-from-relatives-abroad/>

18 Turkish Penal Code 77/1-d

1) *The systematic performance an act, described below, against a part of society and in accordance with a plan with a political, philosophical, racial or religious motive shall constitute a crime against humanity:*

...

d) *Depriving one from his/her liberty;*

19 WGAD/3/2023, 03/5/2023;

<https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-3-AEV.pdf>

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

persons are accused of preparing for exams to recruit civil servants for public institutions.²¹

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 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*".²² 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.

Mass detention procedures continued with two other operations, and **46 people** were detained on May 21, 2024,^{23 24} and **45 people** were detained on May 24, 2024.²⁵ The accusations against the people detained in both investigations are routine legal activities, free from the force and violence required for membership in a terrorist organization. It was determined in the *Yalçinkaya vs Turkey* decision of the ECHR Grand Chamber that these activities are not crimes. In addition, having previously worked at government levels and the possibility of making plans by meeting with each other are also cited as reasons for detention. This shows that the investigations against the Hizmet/Gülen Movement in Turkey have now reached the stage of reading intentions.

On the other hand, investigations against the Hizmet/Gülen Movement are also being carried out against public servants who has been continuing to work for 8 years after the 15 July coup attempt. On May 29, 2024, a detention warrant was issued for **9 police officers** on duty.²⁶ There is no accusation of force and violence against these individuals other than being affiliated with the Hizmet/Gülen movement. In contrast, these individuals are responsible for the security of the society. Therefore, they were not detained for any offence under the Turkish Penal Code, but only for being a member of the Hizmet/Gülen Movement.

Hate Speech Used by the Government

Minister Ali Yerlikaya, in this context, 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*

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

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

23 <https://x.com/AliYerlikaya/status/1792834190817231138>

24 <https://www.turkishminute.com/2024/05/22/turkey-detains-44-people-on-alleged-gulen-links/>

25 <https://x.com/AliYerlikaya/status/1793868040183963967>

26 <https://www.aa.com.tr/tr/gundem/izmirde-feto-operasyonunda-6si-polis-9-gozalti/3233626>

of our dear nation."²⁷ 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.

Numbers of the Investigations and Detained People

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. When the operations dated May 21, 24, 28, 29 and 30, 2024 are included, **the number of people detained during the minister's term of office is 9251 as of 30 May 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.

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 Erdogan regime, and where members of the Gulen Movement are denied the right to life. In such a situation, where **867 people, including minors and students, was arrested in the last three weeks**, no one can be expected to feel safe.

In short, a large number of operations against members of the Gulen Movement and the other opponents 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.

27 <https://x.com/AliYerlikaya/status/1796044090628350145>

Conclusion

As can be seen from the concrete examples above, it is very likely that young people and children who come to the Netherlands seeking asylum and whose applications are rejected, as there is no investigation against them, will be arrested for those asylum applications alone if they are sent back to Türkiye **as they are all considered suspects because of their families in Turkish judicial practice although they are not currently under investigation.**

The unlawful and arbitrary mass arrests and the ill-treatment during their detention at night in front of their family members and children as well as their exposure to the public through social media by the Minister of Interior in the most humiliating manner are not only clear manifestations of violence against people, including women and young girls, perpetrated by state organs, but have also reached the level of crimes against humanity.

As such, we reiterate our firm belief that the Netherlands is one of the most advanced democracies in the world, with their strong adherence to respect for human rights and the rule of law, and have no doubt that the Dutch authorities will act in accordance with these principles when assessing the asylum applications of the members of the Hizmet Movement.

As stated in our founding document, we once again declare that we will continue our efforts to promote human rights and to reinforce democratic values, tolerance and mutual dialogue.

Finally, we would like to express our sincere appreciation and gratitude to the Dutch Government and the people of Netherlands for their understanding and always positive attitude extended to the members of the Hizmet Movement from the moment they arrived in the country.

We hereby respectfully submit this letter for your information, expressing our sincere respect and sentiments.

Mustafa ÖZMEN
Chairman of the Board of
Directors
Stichting Justice Square