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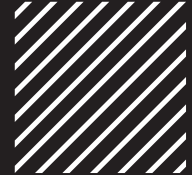
# IF ONE THING CHANGES EVERYTHING CAN CHANGE

## REPORT ON MASS DETENTIONS

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**SOLIDARITY WITH OTHERS**, is a non-governmental organization established in Brussels with the aim of defending and promoting human rights in Turkey and elsewhere.

Our name reflects our solid commitment to act in solidarity with anyone who has been subjected to injustice and violations in Turkey; regardless of race, religious beliefs, social affiliation or political views.

First and foremost, our work consists of ensuring that rights violations in Turkey do not go unnoticed and unrecorded.

In order to accomplish this, we prepare and release reports, fact sheets and newsletters on major human rights issues, rights violations and developments of concern in Turkey, with a view to informing public opinion.

We firmly believe that we are only as human as we are able to stand up for the rights and liberties of OTHERS, and not just ourselves.

## OBJECTIVE



After the 2013 Gezi Park protests across Turkey, the ruling Justice and Development Party (AKP) began to drift towards authoritarianism, undermine rule of law and wield state power as a weapon in order to intimidate and silence dissent. Subsequently, a corruption probe implicating high-level officials prompted a government retaliation against the faith-based Gülen movement after government executives alleged that the investigation was a conspiracy orchestrated by the group. Simultaneously with the erosion in judicial independence, the authorities launched mass detentions against the movement, which were intensified following the failed coup of July 15, 2016. This report aims to evaluate the legal and humanitarian dimensions of the mass detentions and arrests based on tangible data.



# METHODOLOGY



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The data used in the preparation of this report were collected from the official statements of the authorities of the Republic of Turkey and by conducting a comprehensive review of open sources and were listed and analyzed according to the provinces and operation dates. While the data obtained may not reflect the entirety of the mass detention operations, it is estimated that the margin of error is relatively low as mass detentions often appear to be intentionally made public, arguably to spread terror in society.

Priority has been given to collecting the news provided by Anadolu Agency, the official news agency of the state, and other news agencies. A comprehensive media survey has been conducted and the relevant local news that has not been covered by the mainstream media has been added as well. Some duplicate data pertaining to the way the mass detention operations were carried out against the Gülen Movement have been extracted. For example, if a detention order was issued for a total of 100 people in an operation carried out in 10 different provinces with their operation center being one of these provinces, the related operation was recorded as a single incident based on only the central province and the number of detentions was stated as 100. In this way, even if the operations carried out in the other 9 provinces except for those in the operation center were covered in the press separately, the duplication of data was prevented.

# INTRODUCTION



**A**s perhaps the most effective of the tools used by the government to suppress social dissent, the first prominent example of mass detentions carried out by the law enforcement agency in Turkey under the rule of Recep Tayyip Erdogan was seen during the “Gezi Park protests” in Taksim Square, [Istanbul](#). The government’s plan to demolish the Gezi Park and to construct another structure in its place came to the fore in May 2013 and the protests that spread across Turkey after the police intervened with disproportionate force against the demonstrators who objected to the demolition of the park lasted almost a month. Of the 8 people whose deaths were related to the demonstrations, one was a police officer, and some 10,000 people were injured during these [protests](#).

AKP Vice Chair and former Justice Minister Mehmet Ali Şahin called for protesters to be tried for the crime of “attempting to topple the government”, which carries a life [sentence](#). To make things worse, from the moment the then Prime Minister, Erdogan, deemed these actions “an external intervention” in both his own party and [Turkey](#), the attitude of the law enforcement against these street protests grew increasingly harsh, which paved the way for mass detentions as a method of oppression. 5,513 people were detained for participating in Gezi Park protests across the country, including 715 people in [Istanbul](#) and 765 people in [Ankara](#).

After the corruption and bribery probe launched on 17 December 2013 that extended to Erdogan’s close circle, mass detentions were not only aimed at civilians, but they turned into mass purges in the bureaucracy as [well](#). Nearly 6,000 police officers were unlawfully replaced immediately after Erdogan considered the said bribery investigation a non-political coup that targeted his [government](#). On February 11, 2014, 166 judges and prosecutors, including those in charge of the corruption and bribery probe, were similarly appointed to different duties.

The AKP government continued to carry out mass purges in the police force and judiciary, claiming that the Gülen Movement was behind this bribery [operation](#) and that there was a “parallel structure” in the bureaucracy.

In a written statement issued after the February 2014 meeting of the National Security Council, whose impact on Turkish politics increased especially in extraordinary periods, it was stated that “the issues related to security throughout the country and the studies carried out to this end have been evaluated; in this context, ‘the structures and activities that threaten the peace of the people and national security’ have been [discussed](#)”.

The first comprehensive detention of the alleged “parallel structure” took place on [22 July, 2014](#). This date, when police raids were carried out simultaneously in 22 provinces based on the arrest warrants issued for a total of 115 police officers, was a milestone for the rapidly unfolding unlawful detentions. The phrase “Fethullahist Terrorist Organization (FETÖ)” about the Gülen Movement, accused by the government of being a “terrorist organization”, was first used in the indictment prepared by Ankara Chief Public Prosecutor’s [Office](#) and accepted by the Ankara 2nd High Criminal Court on April 9, 2015.

At the Konya rally held on April 26, 2014 during which he called for the exclusion of the Gülen movement from the society, Erdoğan signaled that the properties of the group's members would be confiscated, saying: "An avalanche of reactions is underway against their private schools and prep schools. Disenroll your kids from these schools. Do not ever send your children to their schools next year. Show a firm stance against their newspapers and media outlets that produce [slander and lies](#)."

The Erdoğan government, along with pro-government media, soon began to disseminate hateful rhetoric against the movement, unleashing a flood of unproven allegations. Public sector workers with suspected links to the group as well as other people working for Gülen-affiliated institutions began to face pressures and prosecution. According to open source information, a total of 4,796 people were prosecuted prior to the failed coup. Hundreds were detained in 257 police operations carried out across 72 provinces between April 8, 2014 and [July 15, 2016](#).

The post-coup state of emergency decree laws extended the upper limit for [police custody](#), and people who were detained in the wake of the failed coup were deprived of even their most fundamental rights. Some 200,000 people were subjected to extreme social isolation and faced criminal prosecution for having ties to the Gülen movement, amid the intensified hate speech and dehumanizing rhetoric that targeted the group on a [daily basis](#).

# MASS DETENTIONS



*The operation carried out for 154 people in Konya on June 18, 2019*

**Since the Gülen Movement is a widespread and broad-based structure with no hierarchy,** the members of the judiciary acting in accordance with the illegal instructions of the government have made verdicts, deeming legal activities guaranteed under the constitution and the basic rights and freedoms and which do not contain any criminal elements as “evidence of having ties” (with the Movement). Extolled and encouraged by all AKP members, especially Erdoğan, until December 2013, activities such as being in official relationship with the institutions that had ties with the Movement, whose activities were permitted by the government and the competent bodies of the state and which was allowed to operate under the supervision of the relevant institutions of the government and the state, making donations to the association called Kimse Yok Mu to provide humanitarian aid to those in need, opening a bank account in the bank called Bank Asia, subscribing to newspapers and magazines that were close the Movement, enrolling children in the educational institutions that had ties with the Movement, and/or having books about Fethullah Gülen none of which had a publication ban at all, were suddenly seen as “evidence of crime” after the said corruption and bribery probe.





Operations have been given names that violate the presumption of innocence and contain hate speech. For example, the illegal operation carried out against two educators who were abducted in Malaysia and taken to Turkey by the Turkish Intelligence Organization (MIT) and on whom the UN issued a report, dated September 18, 2020 and numbered A/HRC/WGAD/2020/51, referring to the violation of human rights and calling for their [release](#), was called “Operation Resurrection”. It can be seen that in this way, they tried to exploit nationalist and religious feelings, manipulate the public opinion and show their illegal operations as if they had been [legitimate](#).

The principle of individual criminal responsibility has also been ignored in the operations. As can be seen in numerous news reports, such as “Arrest warrants were issued for his mother, father, wife, brother and 2 [sisters](#)” and “An operation was carried out against the spouses of the people accused within the scope of FETO/PDY [investigation](#)” operations have been carried out against family members especially when the alleged suspect has not been found by the police.

According to the data obtained from open sources, from April 2014 to the end of 2020, more than 5,000 police operations were conducted through-

out the country to detain members of the Gülen Movement, with an average of 73 arrest warrants issued per day. The Ankara Chief Public Prosecutor’s Office issued a detention order on July 16, 2016 for 2,745 judges and prosecutors who were “deemed” members of the [Gülen Movement](#). A detention warrant was issued by the Ankara Chief Public Prosecutor’s Office for 3,224 people within the scope of operations carried out in 81 provinces throughout the country on [April 26, 2017](#), and 1,009 people were taken into custody in 72 [provinces](#). As part of the investigation conducted by the Ankara Public Prosecutor’s Office, a total of 1,112 Deputy Commissioners were detained in 76 provinces on [February 12, 2019](#).

Detention orders were issued for a maximum of 700 soldiers at a time within the scope of the incidents in the General Staff regarding the alleged involvement in the coup attempt on July 15, whereas detention warrants were issued for thousands of civilians, police and members of the judiciary at a time, none of whom had anything to do with the so-called coup attempt. In the research conducted by the authors of this report on open sources and data banks, there was no other example in the world, let alone in Turkey, of making detention decisions against thousands of people at a time with the same decision.

## MASS DETENTIONS

As can be clearly seen in [Table-1](#) ve [Table-2](#), mass detentions have been unremittingly carried out for more than 6.5 years. The data available offers the following conclusions:

The practice does not follow a pattern of fighting against terrorism, as suggested by officials.

Almost none of the detainees were found to be individually involved in the 2016 coup attempt or any criminal activity.

The large-scale and simultaneous nature of the detention orders, which cover the entirety of the country, points to a disregard of the basic legal principle of individuality of the criminal responsibility and the size of the lists suggests that they were prepared beforehand, some of them even prior to the attempted coup.

The practice of mass detentions alone raise questions about the failed putsch, which was used as a pretext to justify the detentions.

In light of the prevailing hateful rhetoric disseminated by the political power and Turkey's documented lack of judicial independence in recent years, the operations imply a political motivation.



”

As a result, given the fact that the definition of genocide, according to the UN, is “the destruction of individuals of a community or communities that can be distinguished from others by their race, species, political opinion, religion, social status or any other distinctive characteristics, in the interests of the destroyers, within the framework of a plan and with a particular [intention](#)”, it is clear that the campaign of mass detentions and arrests, which started after the corruption investigations of December 2013 in Turkey and which involved the violation of a number of domestic and international legal standards, constitutes a crime against humanity.

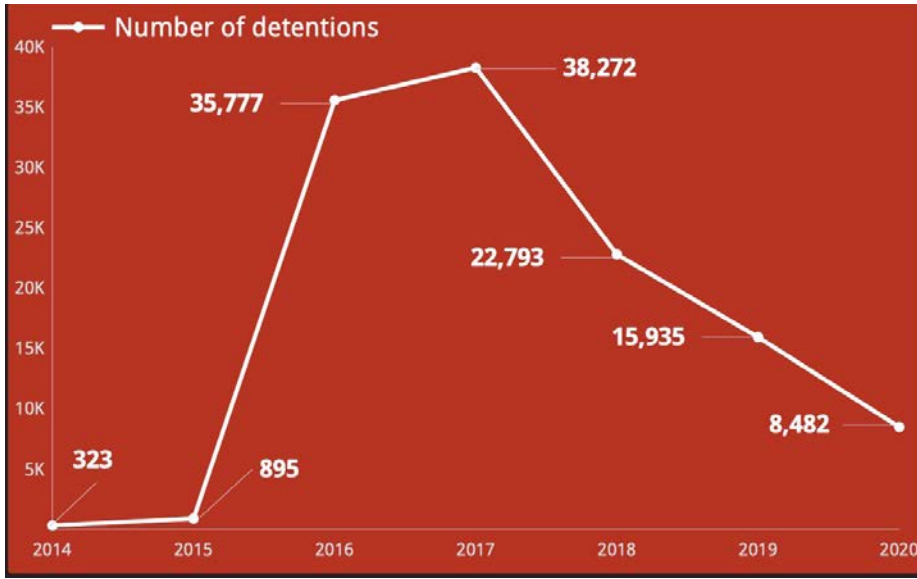
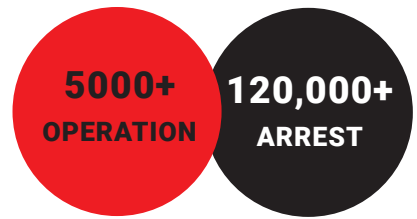


TABLE-1



**74**  
From 15 July 2016  
average number of arrests  
per day

**3**  
From 15 July 2016  
average number of operations  
per day

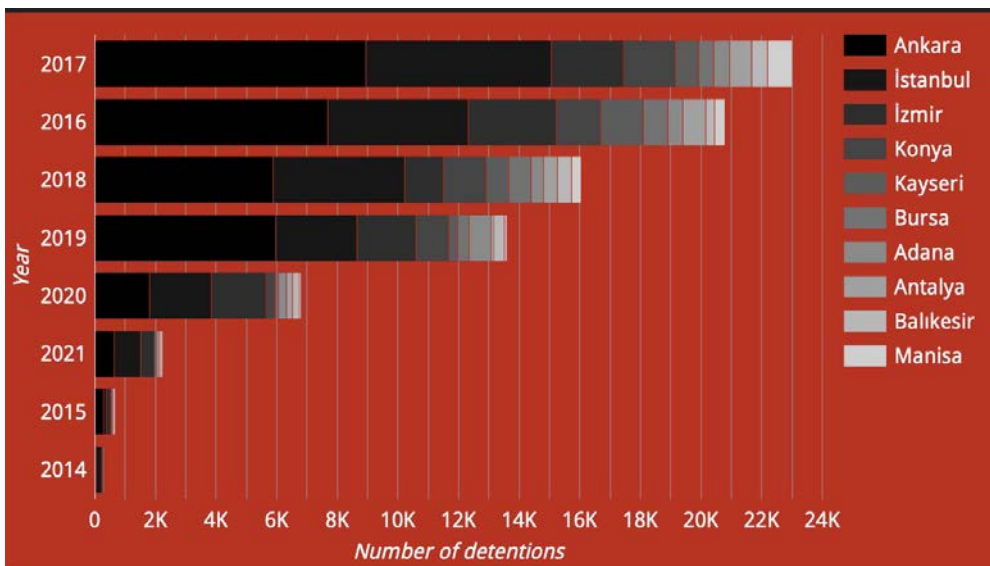


TABLE-2

**81 PROVINCE**

Mass arrests for Gülen movement is distributed throughout the 81 provinces in Turkey. Operations are concentrated in big cities such as Ankara, İstanbul, İzmir, Konya and Kayseri.

# MASS DETENTIONS

TABLE-3



TABLE-4





TABLE-5



While the number of people taken into custody on terrorism charges in Turkey in 2016 was 52,100, it was at 1,002 all over Europe in the same year (see Table 3). In 2017 the number in Turkey and Europe was at 61,070 and 1,219 respectively (see Table 4). As for the number of people detained in 2018 in Turkey, it was 72,293, whereas in the whole of Europe, it was 1,056 (see Table 5). In 2019, this number was 20,567 in Turkey and 1,100 in all the European countries combined (see Table 6).

TABLE-6





Interior Minister Süleyman Soylu

## REPORT ON MASS DETENTIONS

## WHAT THE GOVERNMENT SAYS?

It is clear that the most important issue that President Erdoğan and his government have attached importance to since the July 15 coup attempt is the mass detentions of the Gülen Movement. It's clearly and frequently stated as an incentive tool as well by both the government officials and the media that those among the bureaucrats, who are supposed to be politically impartial and implement the laws but instead who express their political opinions in favor of the current government and actively participate in its unlawful practices, have been promoted and those who openly support Erdoğan's rhetoric have secured their positions or have been appointed to higher positions. The judges and prosecutors in charge of the inves-

tigation and the superiors of the law enforcement officers have exploited the method of mass detentions so as to "stand out and prove themselves" so that they can gain personal benefit from this stance of the government within a 7-year period starting with the corruption and bribery probe of December 17, 2013. In this context, official statements have been made about mass detentions on different dates.

The Ministry of Interior and Directorate General of the Turkish National Police have not shared statistical information about the operations and detentions carried out in 2014 and 2015. According to the data compiled from open sources, detention warrants were issued for 1218 people in those years, including 323 people in 2014 and 895 people in 2015. According to the information provided by Anadolu Agency citing the Ministry of Justice as the source, it has been announced that judicial proceedings were carried out against 103,850 people from July 15, 2016 to [January 2017](#).

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A total of 25,893 detention decisions were issued in 2018, according to weekly information from the Interior Ministry that gave a period of time for mass detentions carried out against the members of the Gulen Movement after the alleged July 15 coup attempt. (see Table 7) However, in the general statistics for 2018 published by the Ministry of Interior at the beginning of 2019, the total number of detention warrants issued in 2018 is 52,010. (see Table 8) Although both data were released by the Ministry of Interior, the number announced in 2019 is twice that announced in 2018. No explanation has been made thus far as to why the figures are different.

1-8 JANUARY	467	30 APRIL-7 MAY	587	27 AUGUST-3 SEP- TEMBER	153
8-15 JANUARY	721	7-14 MAY	967	3-10 SEPTEMBER	239
15-22 JANUARY	615	14-21 MAY	527	10-17 SEPTEMBER	402
22-29 JANUARY	623	21-28 MAY	545	17-24 SEPTEMBER	478
29 JANUARY-5 FEBRUARY	518	28 MAY-4 JUNE	446	24 SEPTEMBER-1 OCTOBER	461
5-12 FEBRUARY	568	4-11 JUNE	492	1-8 OCTOBER	459
12-19 FEBRUARY	567	11-18 JUNE	119	8-15 OCTOBER	466
19-26 FEBRUARY	646	18-25 JUNE	198	15-22 OCTOBER	667
26 FEBRUARY-5 MARCH	765	25 JUNE-2 JULY	777	22-29 OCTOBER	478
5-12 MARCH	740	2-9 JULY	885	29 OCTOBER-5 NO- VEMBER	505
12-19 MARCH	537	9-16 JULY	467	5-12 NOVEMBER	494
19-26 MARCH	568	16-23 JULY	334	12-19 NOVEMBER	486
26 MARCH-2 APRIL	853	23-30 JULY	209	19-26 NOVEMBER	585
2-9 APRIL	561	30 JULY-6 AUGUST	334	26 NOVEMBER-3 ARALIK	538
9-16 APRIL	702	6-13 AUGUST	312	3-10 ARALIK	696
16-23 APRIL	532	13-20 AUGUST	221	10-17 ARALIK	421
23-30 APRIL	489	20-27 AUGUST	23	17-24 ARALIK	450

Weekly statistics announced by the Ministry of Interior in the form of a press release in 2018

(Total: 25,893)

## TABLO 8

FROM 1 JANUARY, 2018 TO DECEMBER 31, 2018

***The Directorate General of the Turkish National Police, Gendarmerie General Command and the Air and Land Forces of the Turkish Armed Forces, Gendarmerie Special Operations Units (JOH), Police Special Operations Teams (POH) and Gendarmerie Commando Units carried out, under the coordination of the Ministry of Interior as part of the Internal Security Operations, 130,640 operations, 599 of which were large and medium-sized in the rural area, and 33,895 of which were in the cities,***

***In these operations, a total of 313,814 people were taken into custody, including 72,239 people who were thought to have aided and abetted and been in contact with terrorist organizations (PKK/KCK 16.185, SOL 1.006, DAESH 3.038, and FETÖ/PDY 52.010), 703,297 people for narcotic crimes, 32,140 people for smuggling and 6,138 people within the scope of Fighting Against Irregular Migration.***

Interior Minister Suleyman Soylu stated on April 2, 2017 as follows: "So far, 113,260 people have been detained in connection with FETÖ and about 745 people are still in custody. The number of detainees today is [47,115](#)" and he said at the Parliamentary Plan and Budget Commission on November 20, 2019, as follows: "As of November this year, judicial proceedings have been carried out for 559,064 people, 261,700 detention warrants have been issued, and 91,287 people have been [arrested](#)." In his statement on July 15, 2020, Mr. Soylu noted: "To date, 99,66 operations have been carried out, and 282,790 detentions and 94,975 arrests have been [made](#)." The approximately 100,000 operations that he mentioned in that statement amount to 50 operations per day on average.

The Ministry of Interior started weekly information meetings on mass detentions of the Gülen Movement on December 19, 2016 and continued these meetings until 2018. Monthly detention data were released by the Directorate General of The Turkish National Police from January 2019 (excluding June) to September. As of September 2019, neither the Ministry of Interior nor the Directorate General of The Turkish National Police periodically released statistical data on this issue.

According to the data compiled from open sources, it is seen that more than 120,000 detention warrants were issued between April 2014 and January 2021, and given the deviation margin, approximately 140,000 detention warrants were issued.

Although mass detention warrants for the members of the Gülen Movement are issued by the chief prosecutor's office of any city, the fact that police operations have been carried out in more than one city due to the residence status of some suspects might cause repetitions in the data collected from the police. For example, since 20 out of 100 people for whom detention warrants were issued lived in other cities, the total number of detentions was recorded as 120 instead of 100.





A similar situation applies to the number of operations. For example, even though it was stated in the operation statistics for 2020, announced by the Office of the Governor of Siirt on January 05, 2021, that 16 operations were carried out against the Gülen Movement in 2020 and legal proceedings were initiated for [48 people](#). According to the data obtained from open sources, a total of 3 operations were carried out against the Gülen Movement in the province of Siirt in 2020 and the number of those who were faced with legal action was 45. 3 Siirt-based operations were carried out in 16 different provinces and this number was given as the number of operations carried out only in the province of Siirt and apparently, the intention was to show the number higher than it actually was.

When all these data are evaluated, it is safe to note that the number of legal actions made by the law enforcement against the Gülen Movement is shared by manipulating, and statistical data with great differences and contradictions are shared with the public, although they belong to the same date period and are released by the authorities themselves.

It is considered that the purpose of the manipulation of numbers is to mislead the public, to prevent objections to the unlawful practices by creating an environment of fear in the society, to ensure that those who are afraid of being detained or arrested make unfounded statements by giving names to save themselves from what they fear, and even to mislead the upper authorities in order to be granted higher positions.

## REPORT ON MASS DETENTIONS



# LEGAL DIMENSION OF DETENTIONS

Mass detentions in Turkey are carried out on the grounds of the Anti-Terror Law. Detainees are accused of “leading a terrorist organization”, “being a member of a terrorist organization” and “supporting terrorism”.



Although the crimes within the scope of the Anti-Terror Law include the acts of coercion and violence, almost none of the detainees have been involved in such acts.

The definition of terror under Anti-Terror Law (no. 3713) reads as follows: “Terror is a criminal act committed by one or more persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening or destroying or seizing the authority of the State, eliminating fundamental rights and freedoms, or damaging the internal and external security of the State, public order or general health by means of pressure, force and violence, terror, intimidation, oppression or threat.”

In the definition of terrorism in Article 1 of the Law, the acceptance of an act as an act of terrorism is subject to three basic conditions. In order for an action to be considered as a terror offence; it should be sought whether there are elements such as the way the crime has been committed (method dimension), the way it has been committed in order to realize the aims listed in the law (ideological dimension) and the way it has been committed within the framework of the organization (organizational dimension). To try to achieve the intended purpose by means of one of the methods of pressure, terror, intimidation, oppression or threat by resorting to coercion and violence is one of the main conditions of terror.

The first condition to be sought for an action to be characterized as an act of terror is whether the action has been attempted by using “coercion and violence” by means of one of the methods of “pressure”, “intimidation”, “terror”, “oppression” or “threat”. The followings include the types of actions of terrorist organizations; murder, intentional injury, deprivation of liberty, pillage, attack, raid, invasion, ambush, possession of firearms and explosives, sabotage, planting bombs in public places such as shopping and business centers, movie theaters, theater halls, conference rooms, wedding ceremony halls, sports halls, and on transportation vehicles such as trains, planes, ships, buses, etc. or arson and hijacking.



**The second condition to be taken as a basis for characterizing an action as “terror” is the aim of the action. The aims set out in the article are as follows:**

- changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system,
- damaging the indivisible unity of the State with its territory and nation,
- endangering the existence of the Turkish State and Republic,
- weakening or destroying or seizing the authority of the State,
- eliminating fundamental rights and freedoms,
- damaging the internal and external security of the State, public order or general health.

**The Anti-Terror Law aims to punish “acts of terrorism”. It does not accept a thought that does not include the “method of violence” as a crime and the freedom to come together around a thought is not a crime either under the same law. In that vein, none of the acts cited as the basis for the accusation made in mass detentions in Turkey are acts of terrorism and violence.**

Third, by resorting to the methods of coercion and violence, the actions carried out to achieve the above-mentioned aims must have been committed by a person or persons belonging to an organization. People who are members of the organization need to know and accept without hesitation that the aim of the organization and coercion and violence will be used as a method. In this respect, it is not enough to adopt only the organization’s program and activities; participants in the organization must contribute to it as well. The act of being a member of the organization can be explained as devoting his/her own power and energy to the organization, accepting that the organization can take advantage of him/her when necessary, and at least potentially strengthening the organization. Just being sympathetic to the organization or adopting its aims, values and ideology, reading and having publications about it or having respect for the leader of the organization is not enough for a person to be accepted as a member of the organization.

# POST-DETECTION EXPERIENCES

As of July 16, 2020, the Anti-Terror Branch teams have been assigned in the operations launched against the Gülen Movement throughout Turkey. With the decision of the Council of Ministers dated 20 July 2016 and numbered 2016/9064, "The State of Emergency" was declared and by the [Decree-Law No. 667](#) that came into force after having been published in the Official Gazette dated 23 July 2016 and numbered 29779, the detention period was extended to [30 \(thirty\) days](#).



Within the scope of the detention procedures, all kinds of residences, workplaces and vehicles belonging to the suspects were searched, regardless of whether they were legal evidence or not, all materials that were allegedly "evidence" within the scope of the crime were confiscated in accordance with the unlawful or even criminal instructions given. For example, publications confiscated as evidence on the grounds that they belonged to the "banned author and/or publishing [house](#)" were all copyrighted works that had been printed with all necessary permissions from the competent legal authorities, that were sold publicly in bookstores, and that did not constitute any crime even at the time of confiscation. Pursuant to the relevant provisions of Article 134 of the Code of Criminal Procedure, in the event of the confiscation of computer or computer logs, all of the data in the system shall be backed up and, if requested, a copy of this backup shall be made and given to the suspect or his/her attorney, but a forensic image or a copy of the electronics which were unlawfully confiscated was not made and given to the suspect, thus a serious risk of external interference with the electronics after the confiscation such as addition, deletion and/or change of data was created.



People had to dump too many publications in the trash containers or burned them in vacant lots due to fear and panic because possession of these publications, despite totally being legal as a matter of fact, were deemed as evidence of crime and these incidents have received wide coverage in the media many times [so far](#). The fact that among these publications thrown or burned were numerous textbooks and books for [children](#) clearly reveals the psychological dimension of the operations and the state of fear created in the public.

By the Decree Law No. 677, the detention period was extended to 30 days and significant restrictions were imposed on the right of the suspect to meet with his lawyer while in custody. For example, the suspect is now forbidden to see his lawyer for 4 days from the moment of detention. Allegations of intense and systematic torture and ill-treatment in detention have been raised by many people who were almost exposed to total isolation during detention [period](#).

Some people have lost their lives in custody due to ill-treatment. For example, Gökhan AÇIKKOLLU, who was taken into custody after the coup attempt on July 15 and who died on the 13th day of his detention as a result of the tortures he was subjected to, whose family was denied a hearse, who the clergy officials did not want to perform the funeral prayer and who the authorities wanted to bury in the “traitors’ cemetery”, was found innocent and reinstated to his job 1.5 years after his [death](#).

In a statement issued by Amnesty International on July 26, 2016, it was stated that reports of human rights violations, including beatings and rapes, in Turkey were extremely [concerning](#).

The report entitled “Police Torture and Abductions in Turkey” prepared by Human Rights Watch (HRW) on October 12, 2017, points out that tortures and ill-treatments have become a common problem in Turkey, underscoring that in many cases, the torture appeared to be aimed at “extracting confessions” or “forcing detainees to implicate other [individuals](#).”



In the report prepared by the Working Group on Arbitrary Detention of the UN Human Rights Council, dated September 18, 2020 and numbered A/HRC/WGAD/2020/51 on the extradition of Arif Komiş and Ülkü Komiş and their four children under the age of 18 to MIT by the officials of the Government of Malaysia, it is stated that the deprivation of liberty of the persons in question is arbitrary and in contravention of Articles 3,6, 8, 9, 10 and 19 of the Universal Declaration of Human Rights and Articles 2(1), 2(3), 9, 14, 19 and 26 of the International Convention on Civil and Political Rights. The Working Group further requests that the Government of Turkey release the 6 persons in question without delay and that it accord them an enforceable right to compensation and other [reparations](#).

Concerning the applications of Kahraman Demirez, Mustafa Erdem, Hasan Hüseyin Günakan, Yusuf Karabina, Osman Karakaya and Cihan Özkan, all of whom were handed over to MIT by the officials of the Government of Kosovo, in the report prepared by the Working Group on Arbitrary Detention of the UN Council of Human Rights dated September 25, 2020 and numbered A/HRC/WGAD/2020/47, it is stated that the deprivation of liberty of the people in question is arbitrary and in contravention of articles 2, 3, 8, 9, 10 and 19 of the Universal Declaration of Human Rights and articles 2 (1) and (3), 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights. The Working Group further requests that the Government of Turkey release the 6 persons in question without delay and that it accord them an enforceable right to compensation and other [reparations](#).

The Working Group on Arbitrary Detention also prepared reports concerning the following names and underscored in these reports that the deprivation of liberty of these people in question is arbitrary and in contravention of the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Working Group further requests that the Government of Turkey release these people in question without delay and that it accord them an enforceable right to compensation and other reparations;

- **Abdullah Kurt (dated 22 May 2020 and numbered [A/HRC/WGAD/2020/2](#))**
- **Akif Oruç ( dated 12 June 2020 and numbered [A/HRC/WGAD/2020/29](#))**
- **Faruk Serdar Köse (dated 12 June 2020 and numbered [A/HRC/WGAD/2020/30](#))**
- **Ercan Demir (dated 16 January 2020 and numbered [A/HRC/WGAD/2019/79](#))**
- **Melike Göksan and Mehmet Fatih Göksan (dated 18 September 2019 numbered [A/HRC/WGAD/2019/53](#))**
- **Mustafa Ceyhan (dated 26 June 2019 and numbered [A/HRC/WGAD/2019/10](#)),**
- **Hamza Yaman (dated 31 January 2019 and numbered [A/HRC/WGAD/2018/78](#))**
- **Andrew Craig Brunson (dated 15 February 2018 and numbered [A/HRC/WGAD/2018/84](#))**
- **Mestan Yayman (dated 18 October 2018 and numbered [A/HRC/WGAD/2018/42](#))**
- **Ahmet Çalışkan (dated 11 October 2018 and numbered [A/HRC/WGAD/2018/43](#))**
- **Muharrem Gençtürk (dated 02 October 2018 and numbered [A/HRC/WGAD/2018/44](#))**
- **Mesut Kaçmaz and Meral Kaçmaz with their 2 minor children (dated 25 May 2018 and numbered [A/HRC/WGAD/2018/11](#))**
- **Rebi Metin Görgeç (dated 8 June 2017 and numbered [A/HRC/WGAD/2017/1](#))**



Despite all the serious allegations and tangible evidence, the fact that no judicial or administrative investigations have been initiated by the authorities against those who were responsible indicates that the government bodies have an administrative practice of condoning, tolerating and even encouraging violations of the right to life and the prohibition of torture, let alone preventing them.

There is no legal criterion for which “evidence” falls into the capacity of membership in terms of those who are subjected to judicial proceedings with the allegation of membership of a terrorist organization. Only one or more of the following criteria have been considered “evidence” and are based on both arrest warrants and conviction verdicts:

- Having a bank account in [Bank Asya](#)
- Canceling Digitürk subscription after a [certain date](#)
- Downloading/using the [Bylock app](#)
- Posts made on Twitter and [Facebook](#),
- “Possession of “[one-dollar bill](#)”,
- Working in Gülen-linked educational [institutions](#),
- Graduating from Gülen-linked [schools](#),
- Receiving education at Gülen-linked educational [institutions](#),
- Being a member of a [Gülen-linked union](#),
- Being a member of Gülen-linked associations and [foundations](#),
- Working as an employee or a director in Gülen-linked associations or [foundations](#),
- Possession of publications of some authors and/or [publishers](#),
- Having one or more of the family members who have been taken into [custody](#),
- Having one or more of the family members who have been [incarcerated](#),
- Dismissal from job by a [Decree Law](#),
- Testimony of an [informant](#),
- Helping those in need through Kimse Yok Mu, a Gülen -linked charity [association](#),
- Being in the same report of the HTS as the person who is being/was investigated/[prosecuted](#),
- Having a phone call record with the person who is the subject of investigation/[prosecution](#),

***In order to carry out the operations, artificial reasons that are not related to the criminal investigation and do not require any sanction in terms of criminal law have been produced and the acts, all of which are within the scope of fundamental rights and freedoms, have been shown as “criminal activities”. For example, the following baseless allegations have been fabricated:***

“Engaging in missionary activities to Christianize Islamic [traditions](#)”.

“Having a meeting “by pretending to have a [picnic](#)”,

“Being a member or director in associations closed down by the [government](#),”

“Being informed about legal [issues](#),”

***These accusations that do not include criminal elements have been reported in the media as seen in the following examples and the aim here was to gain public support and legitimize the operations in the eyes of society by demonizing the targeted group;***

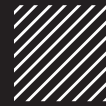
“ The newspaper page containing 3 columns of Fetullah Gülen was confiscated in the [operation](#) “,

“Detention warrant for 98 people identified as working in schools closed down and in trustee-appointed [companies](#)”,

“Arrest warrants for 34 people who were found to have worked in private schools belonging to the [organization](#)”

“Investigation into cell houses where members study for judicial [exams](#)”,

“7 women organizing meetings in shopping malls and [cafes](#)”,





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For example, in the news entitled “32 suspects have been detained for funding the organization under cover of palm [trade](#)”, business activities carried out by individuals completely legally are defined as crimes, and personal money found in people’s homes is also defined as a criminal element. Although helping the families of people who have been convicted and about whom the highest judicial authority has approved the verdict does not constitute a crime under any law, it is clear that even the issue of humanitarian aid is considered as a criminal element and evidence by the investigative units serving the information to the news channels and it is understood that the suspect of the alleged crime was prevented from even helping his/her own family, and everyone who was somehow associated with the Gülen Movement, including babies and children, was almost left to starvation and civil death along with his/her whole family.



*On 03 October 2016, it was announced by the Ortaca district police headquarters that the books, newspaper and magazine clippings were seized as evidence of crime during the operation against the Gülen Movement.*

The inclusion of individuals as “suspects” in a terrorist investigation launched for specified reasons, lacking a legal basis, has made and continues to make many of them exposed to numerous irreparable losses of rights. Moreover, these losses are not limited to the period of the State of Emergency (OHAL), but have become an ongoing, routine practice after OHAL.

Indeed, the Working Group on Arbitrary Detention of the UN Human Rights Council, which examined the files of 43 people arrested after the July 15 coup attempt, prepared a report and, upon the failure of the Government of the Republic of Turkey to reply to the letter sent on November 10, 2020, shared it with the public requesting clarification of the alleged issues, underscoring:

- that throughout the judicial proceedings of these people, the relevant articles of the International Convention on Political and Civil Rights which guarantee the prohibition of torture and ill-treatment, the right to freedom and security of persons, the right to a fair trial, freedom of opinion and expression and the freedom of peaceful assembly and association were violated.
- that although it was claimed that the coup attempt was carried out by the security forces, thousands of people including academics, doctors and judges were immediately purged and detained on charges of being a member of the alleged organization,
- that the houses were raided by the police without a search warrant or subpoena and people were arbitrarily taken into custody,
- that in cases where detention orders were issued, the accusations against the suspects were not based on concrete evidence,
- that the right to access to a lawyer was restricted,
- that an attorney from the bar was appointed instead of the lawyer requested by the suspect,
- that interviews between the lawyer and his client were recorded,
- that the right to a lawyer was denied without any explanation of the legitimacy of such measure and without reasonable justification,
- that the suspect was not provided with adequate and private time with a lawyer for the preparation of the defence,
- that the detention period during the State of Emergency was spent in crowded and collective environments and that there were difficulties in meeting even basic needs,
- that the grounds and evidence which the accusations made against the suspects rely on consist of activities such as having a bank account at Bank Asya, subscribing to the Zaman daily, downloading and/or using an application called ByLock, and sending their children to schools run by the Gülen Movement and that none of these activities, constitute criminal acts but are rather exercise of rights protected by the International Covenant on Civil and Political Rights,
- that Articles 7 and 14 of the International Covenant on Civil and [Political Rights](#) were [violated](#).

Such unlawful practices as life-time dismissal from public office, revocation of professional licenses, dismissal from public institutions (for retired public officials), stripping of military ranks and medals, freezing of assets, the imposition of a ban on travel abroad (also for the spouse of the accused even if there is no investigation/prosecution process about him/her), and confiscation of passports all clearly show that people are not only tried before the judicial authorities but also sentenced to social and [civil death](#). These people are excluded from both working life and social life and are constantly exposed to harsh hate speech by the competent authorities through the press and social media platforms.



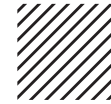
In particular, the restriction of economic and social rights without any legal basis makes it impossible for people labeled with “suspicion of terrorism” to continue their lives in humanitarian conditions as individuals entitled to fundamental rights and freedoms. For example, the requests of the families of the persons, who are under investigation/prosecution for being a member of the Gülen Movement, for aid from the Fund for the Encouragement of Social Cooperation and Solidarity, are denied although there is no investigation/prosecution against the other members of the families that are eligible for aid. However, the right granted by the law is unlawfully denied and spouses and children are left to [civil death](#).

Having been carried out against hundreds of thousands of people for years based on this very reason alone, such unlawful practices against the universal humanitarian values are nothing but a violation of the “prohibition of discrimination” enshrined in [many international conventions to which Turkey is a party](#).

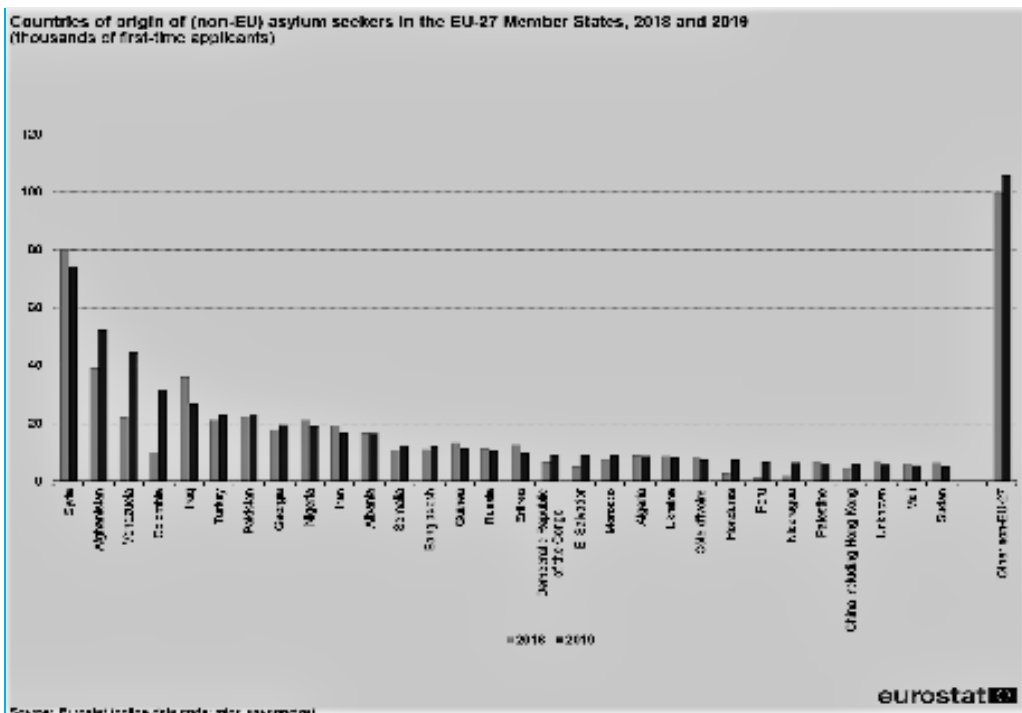


# FORCED MIGRATION

The natural consequence of the failure to make any progress in the rights struggle, which has continued since the day the law was irrevocably suspended in Turkey, has been the migration/escape of thousands of people from the country. Unlawful practices during the investigation and prosecution phases, deprivation of fundamental rights of detainees and prisoners, deaths in detention and prisons, prevention of the exercise of social and economic rights and the right to life, and “discrimination” by state institutions and the community solely because of being relatives of the person (s) being prosecuted even if they have not been subjected to any administrative or criminal proceedings are among the main reasons for fleeing the country.



According to Eurostat asylum statistics, the number of immigrants from Turkey in 2018 and 2019 was 25.885, making them the sixth largest group to take refuge in [Europe in 2019](#). (Table-9).



In a report released by EURACTIV Germany, it is stated that since 2016, mostly journalists, academics, members of opposition parties, and supporters of the Gülen Movement have been persecuted, the number of Turkish citizens who have applied for asylum in Germany has increased significantly since 2016, and their asylum applications have been accepted to a very large extent. Moreover, the German Office for Migration and Refugees (BAMF) also noted that Turkish asylum seekers were the third-largest group registered after Syrians and [Iraqis in 2019](#).



Christopher WOHNIG, representing Turkish asylum seekers, told EURACTIV Germany that “this is because all repressive measures against supporters of the Gulen Movement in Turkey are documented in an accessible [system](#)”.

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In December 2017, it was announced by Interior Minister Suleyman SOYLU that more than 230,000 passports had been [revoked](#). The fact that legal avenues to inspect these cancellations have been closed has violated for years the “right to travel” guaranteed by the Constitution and International Conventions of hundreds of thousands of [people](#).

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People who wish to flee the country are forced to leave the country illegally due to passport revocations. It has been reported in official news agencies that 1,708 people, including judges, prosecutors, teachers, police and academics and lawyers, who have been dismissed from the profession by Decree Laws, have been arrested in Edirne, trying to flee to Europe, in the last [4.5 years](#).

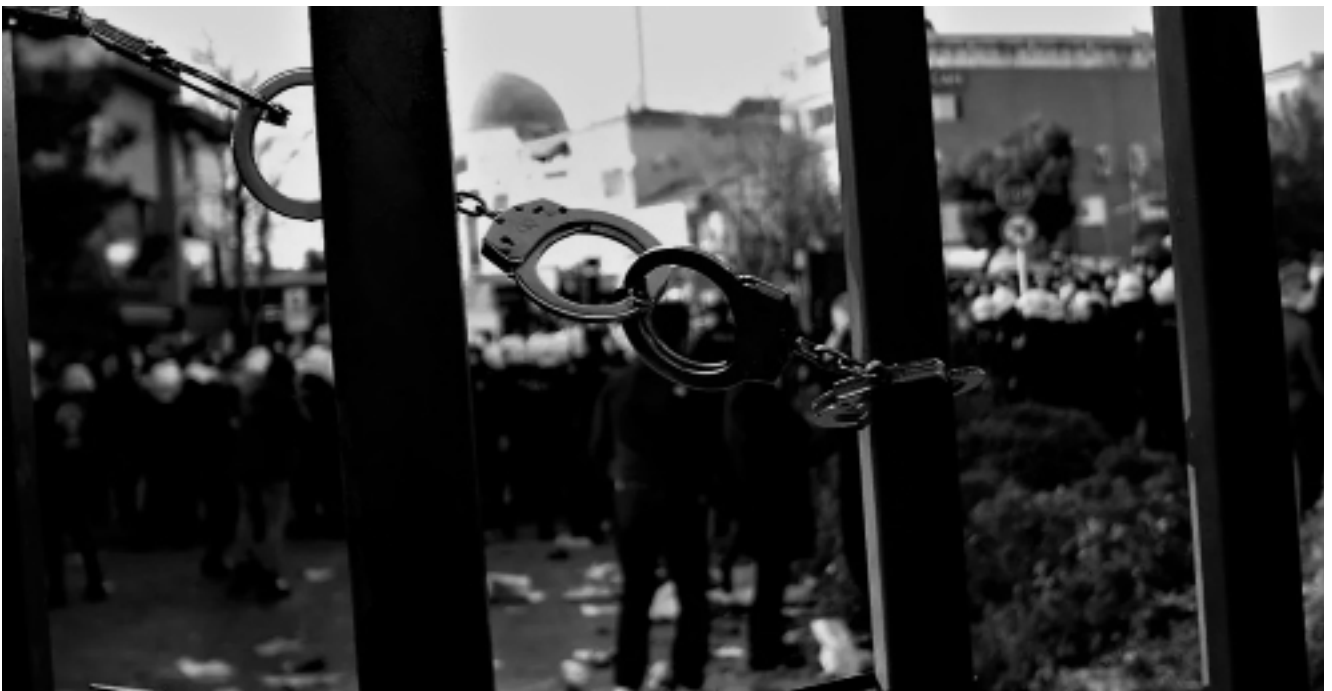
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Subjected to mass detentions and stripped of the right to lead an honorable life, scores of people, including children and babies, who had to leave their country and tried to go abroad in order to have this right, lost their lives on the road to freedom.

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## CONCLUSION AND ASSESSMENT



**T**he intimidation policies, violations of rights, and oppression of all segments of the society, including members of the Gülen Movement, all of which the AKP government of Turkey considers as opposed to it, continue to increase day by day.

2 Statements and news declaring the students participating in the democratic demonstrations held to protest the Erdogan-appointed rector of Boğaziçi University on January 2, 2021 as terrorists, harsh intervention of security forces, mass detentions, and the special operations police raids on the flats of the students participating in the protests, demonstrates once again the magnitude of the danger posed to human rights and democracy by unlawfulness and arbitrariness.

Indeed, Interior Minister Süleyman Soylu used the phrase “perverts” for the detained [students](#), Devlet Bahçeli, head of the Nationalist Movement Party, described the events as “a conspiracy that needs to be stamped out” Devlet Bahçeli, head of the Nationalist Movement Party, described the events as “a conspiracy that needs to be [stamped out](#)”, and the pro-government media describes these events as “a rehearsal for another series of demonstrations [similar to Gezi protests](#)”.

A columnist likened the protests to “university events before the [1960 coup](#)” The posts that BBC and The Economist reporters shared on social media as part of their jobs were reported as follows: “The English are here to provoke events” and “The English hand and chaos plan in the events”. Furthermore, students’ protests were described in the news as “turning the university into a place of terror” and the support



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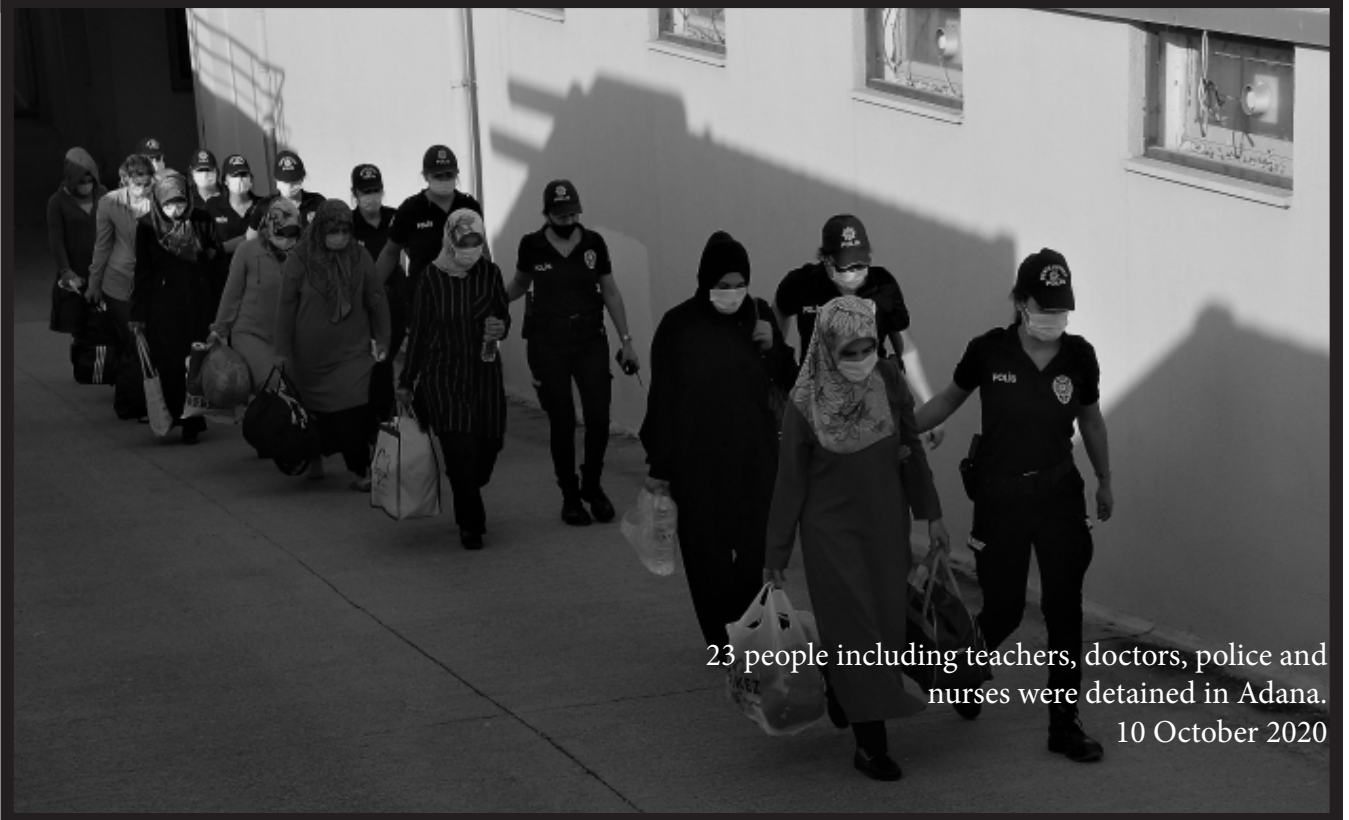
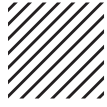
of the opposition parties, CHP and HDP, for these democratic protests of the students as “an effort to create a [conflict environment](#)”.

A total of 228 people were taken into custody in just two days, including 159 people in Istanbul on Monday, February 01, 2021, and 69 in Ankara on Tuesday, February 02, 2021, as part of demonstrations protesting the appointment of rectors to Bogazici University by President Recep Tayyip [Erdogan](#).

In violation of the anti-terror law law, and universal law, actions that do not constitute coercion and violence have been deemed as terrorist activities, According to the Ministry of Interior, around 282,000 people were taken into custody from 15 July 2016 until 2020, and more than 95,000 people were [arrested](#). People detained in mass arrests are accused of terrorism although it is not legally possible. Besides, they are denied the most fundamental rights and freedoms during the procedures.

As a result of the deliberate politicization of the judiciary, inhumane practices carried out by government officials such as torture, abduction, enforced disappearance in custody, and death in custody or prison have gone [unpunished](#). Even without launching an investigation into those responsible for these practices, “non-prosecution” decisions have been made quickly about the applications, and journalists who have reported these unlawfulness practices as part of their jobs have been faced with prosecution and arrest.

The government is trying to legalize these unlawful practices through omnibus bills. For example, based on the “Law on the Prevention of Financing the Proliferation of Weapons of Mass Destruction”, which was published in the 5th repeated issue of the Official Gazette dated 31 December 2020 and numbered 17262, the activities of associations, foundations and non-governmental organizations operating in the national and international fields can be stopped with the suspicion of “terrorism”. With the decision of the Minister of Interior, without the need for any judicial decision, directors of associations can be dismissed on the grounds of “terrorist activity”, trustees can be appointed to their places and activities of associations will be open to all kinds of intervention and supervision of the Minister of Interior and governors. The amendment made, as part of the same omnibus bill, to the Personal Data Protection Law allows the confidentiality of the personal data to be violated, and the assets of individuals and institutions to be confiscated. Although it is emphasized in both international texts, and the decisions of the European Court of Human Rights that the investigation and prosecution of terror crimes should be carried out without interfering with fundamental rights and freedoms, the rights and freedoms of people who do not have acts of coercion and violence are ignored.



23 people including teachers, doctors, police and nurses were detained in Adana. 10 October 2020



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In this case, all the political, social, cultural, economic and similar rights of individuals provided by the laws of the Republic of Turkey, are openly and arbitrarily violated and the decisions taken by competent international institutions to remedy violations of rights are not applied with the same arbitrariness.

When the data released within the scope of the report and the information obtained are evaluated together, it's clear that the AKP government, without hesitating to violate all applicable national and international law and by using the media under its control, has declared all segments that it deems opponents as "terrorists", that it has long been trying to intimidate the public through mass detentions and arrests and silence and intimidate the people and groups that it sees as a threat to its unlawful practices, and that the operations having been carried out for so long against the members or alleged members of the Gülen Movement under the pretext of the attempted coup taking place on July 15, 2016, are part of the corruption probe of 17-25 December 2013, about which the opposing parties made a motion to the Turkish Grand National Assembly for an investigation that the deputies of AKP and MHP rejected.

The practice of mass detention is irreversible and irreparable harm to human life by recklessly violating inalienable rights that all humans are endowed with and all universal principles of law that cannot be prevented or limited under any circumstances. Mass detentions must be stopped by the AKP government, taking into account the evaluation of the Working Group on Mass Detention of the UN Human Rights Council that mass detentions are 'crimes against humanity'.

Based on the principle that everything can change if something changes, other unlawful practices in Turkey may also end if mass detentions are stopped with the belief and consciousness that it would be good to change something for the better.

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