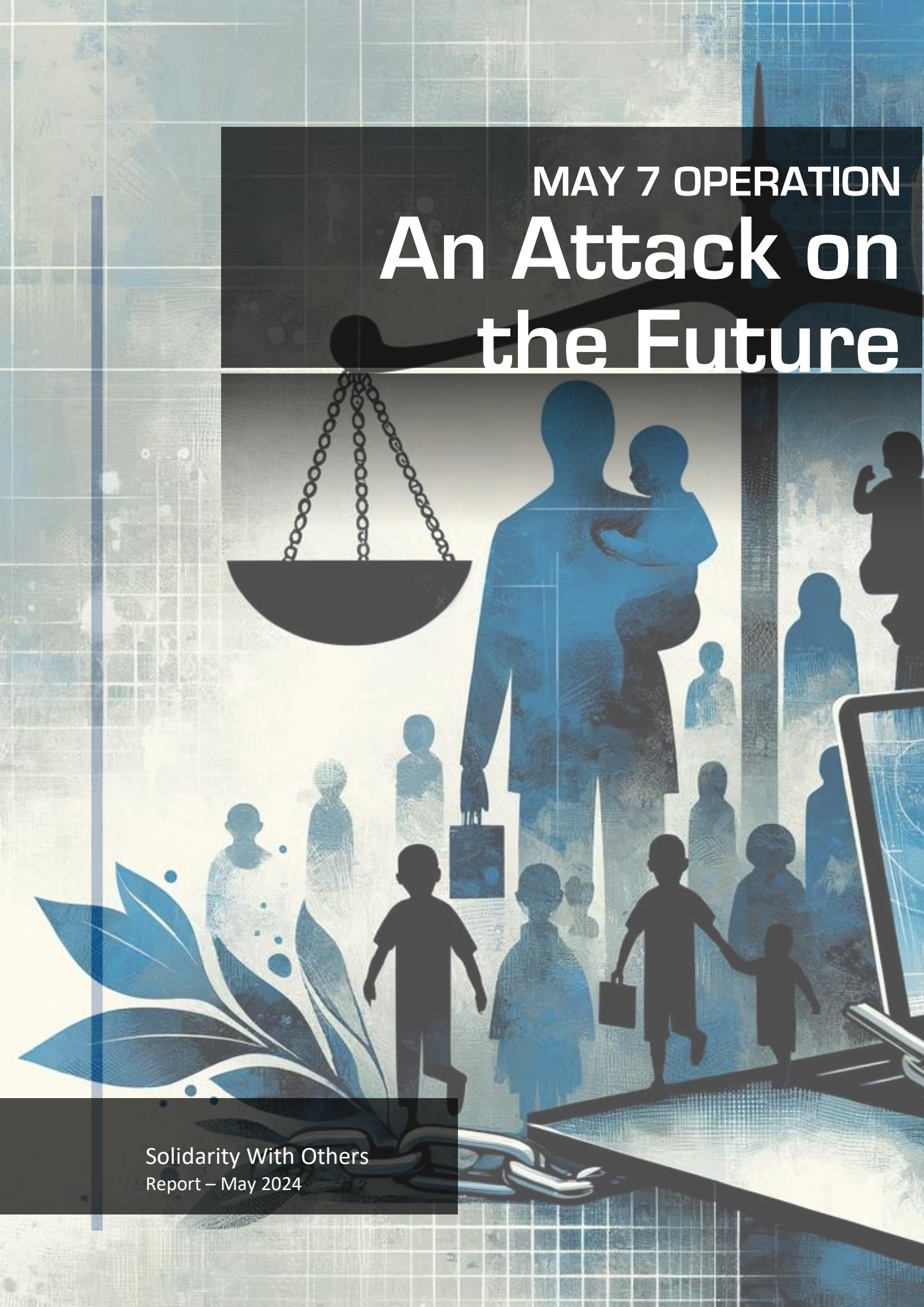


MAY 7 OPERATION
An Attack on the Future

Solidarity With Others
Report – May 2024

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Introduction

On May 7, 2024, an arbitrary "terror" operation was carried out in Istanbul, severely violating national and international laws. Conducted by the Istanbul prosecutor's office and police, the operation specifically targeted young female students and their families. Among the 48 individuals detained, 16 were girls aged between 13 and 18. The majority of those detained faced accusations of being connected to terrorism due to their involvement in educational and social activities. This report comprehensively examines and evaluates the human rights violations that occurred following the operation in Istanbul.

The purpose of this report is to document these violations, draw attention to them at both national and international levels, and prevent such abuses from recurring. It also provides necessary recommendations to ensure justice and the protection of human rights. The report emphasizes the importance of Turkey adhering to the international treaties and agreements it is a party to, and acting in accordance with the rule of law.

Incident Details

On the early morning of May 7, 2024, an arbitrary operation was carried out in Istanbul's Beylikdüzü district by the Anti-Smuggling and Organized Crime and Counter-Terrorism units. The operation targeted individuals allegedly associated with the Gülen Movement, with a particular focus on young female students.

During the operation, 48 individuals were detained. Among those detained were middle school, high school, and university students aged between 13 and 25, as well as their family members. Notably, 16 of the detainees were girls aged 13-18. After four days in custody, 32 individuals were referred to the Magistrate's Court with a request for their arrest. Following interrogations by four different Magistrate's Courts, 28 of the 32 individuals were arrested. The 16 young girls were released late on the day of the operation after their interrogations.

The arrested individuals included four teachers, nine housewives, one academic, one dentist, one family doctor, ten university students, and two businessmen. One teacher, one housewife, and two university students were released to be tried without detention.

The reasons provided for the detentions and arrests included activities such as providing accommodation for themselves or other students, offering financial support, assisting with language learning, and organizing educational events. These activities were intended to support the legal and educational needs of the students. However, these actions were labeled as

'terrorist activities,' leading to the individuals being accused of terrorism-related offenses.

During the operation, homes were forcibly searched, and children were taken into custody using force, despite objections from their families and lawyers. This process caused significant trauma for the children and their families, and the conditions of detention and treatment of the children led to various human rights violations. The 16 young girls faced severe violations such as being denied legal representation during their interrogations, being coerced into making confessions, being intimidated, being prevented from contacting their relatives, and having their statements manipulated. The girls, all under the age of 18, were interrogated for 15 hours without legal support, under threat and pressure, and were forced to make confessions against their families. They were not informed of their rights, were yelled at, and their families were insulted during the interrogations, without the presence of legal counsel.

Additionally, it was determined that both the adults and children who were detained had been under prolonged technical and physical surveillance by the police, with their phones tapped and their movements constantly monitored.

The adults were held in custody for four days. The university student girls were threatened, being told, "You're here as a criminal, don't make future plans!" and pressured to accept the charges and accuse their friends. Some were heavily pressured to become "informants" under the "effective remorse" law. Those who refused were all arrested. Among them were A.B., a Parkinson's disease patient who had recently undergone a liver transplant, and her daughter, who were detained together.

Questions Regarding Alleged 'Terror' Activities Directed at Students

Questions About Alleged Connections to the Gülen Movement

During the operation, questions directed at the young female university students primarily focused on institutions and activities associated with the Gülen Movement. These questions concentrated on specific points such as subscriptions to publications like Zaman Newspaper or Sızıntı Magazine, both of which were closed by emergency decrees (OHAL KHKs), the use of the ByLock application, and holding accounts at Bank Asya, which was confiscated and subsequently liquidated. These inquiries reflect an intrusion into the individual freedoms of expression, the right to access information, and financial freedoms. Including such questions in the interrogation process highlights the scrutiny of personal and legitimate activities, connecting them

to criminal activities, thereby posing a serious threat to the protection of freedoms.

The students were also questioned about their participation in tuition centers, schools, or dormitories associated with the Gülen Movement, which were also closed by OHAL KHKs. Considering that these activities were legal and not criminal, the presence of such questions during interrogation signifies a violation of educational rights and personal freedoms.

Furthermore, donations made under religious or charitable names, such as 'himmet (financial aid),' 'kurban (to donate a sacrifice),' and 'fitre (alms),' were also questioned. As they are made for religious reasons, questioning them constitutes a violation of the freedom of religion and financial privacy rights.

Interpretive Questions

During the operation, commentary and evaluative questions directed at the young female university students were contrary to the essence of a criminal investigation and indicated a lack of connection between evidence and alleged crimes.

Specifically, detailed explanations were requested about their whereabouts during the attempted coup on July 15, 2016. This line of questioning was perceived as an attempt to associate the individuals with the events. Such questions imply a presumption of guilt and violate the right to defense.

In addition, students were asked questions about their perspectives on Fethullah Gülen and the ultimate purpose of the Gülen movement. Such interpretation questions constitute an interference with individuals' freedom of thought and belief.

Questions Regarding Financial Activities

During the operation, questions directed at the young female university students concerning their finances were of a nature that could result in violations of personal privacy and financial confidentiality.

Firstly, students were asked to provide information about income. They were required to explain the scholarships they received during their university education. Additionally, questions were posed about how they paid for the rent and bills of the houses they lived in during their university studies.

These questions, unrelated to the investigation, focus on the students' personal experiences and seem aimed at generating arbitrary evidence against them. Such inquiries not only violate personal privacy but also undermine financial confidentiality.

Questions Related to Social Environment

During the operation, questions directed at the young female university students concerning their social environment indicated violations of personal privacy and arbitrary scrutiny of social relationships.

Students were asked to provide detailed information about the addresses they lived at and the people they lived with since starting their university education. These questions aim to expose the individuals' social relationships and personal lives.

Additionally, students were questioned about whether people associated with the Gülen movement visited or contacted them. Such questions reveal the arbitrary investigation of their social circles.

Furthermore, students faced questions about whether they were in contact with individuals affiliated with the Gülen movement living abroad. These questions constitute an infringement on their freedom of expression.

Questions Related to Freedom of Travel

During the operation, questions directed at the young female university students concerning their travel activities were of a nature that could restrict their freedom of travel.

Students were asked to provide detailed explanations about a visit to a particular travel agency.

These questions, which tend to scrutinize individuals' freedom and purpose of travel, effectively limit their right to travel and undermine their travel freedoms. Questioning the purpose and preferences of an individual's travel infringes on their personal freedoms and privacy rights.

Additionally, students were asked whether traveling abroad with individuals they recently met was "consistent with the ordinary course of life." These questions, falling outside the scope of a criminal investigation and criminalizing the exercise of a completely legal right, show that the students' travel preferences and companions were being judged, presuming guilt in advance.

Questions Based on Physical Surveillance

During the operation, young female university students were subjected to prolonged physical surveillance by the police, with every move they made being photographed and recorded. Despite this extensive surveillance, no

criminal elements were found. Nonetheless, during interrogation, these records were shown to the students, and their everyday activities were portrayed as organizational activities through the following questions:

- *(After prolonged surveillance:) "Why are you staying in a different house when your family resides in Istanbul?"*
- *"It was observed that you first went to ... hospital, then to ... address, and stayed at ... house. Please explain this."*
- *"You were seen entering ... address, then leaving with an opaque black bag labeled 'Aker.' What was the purpose of this visit and what was in the bag?"*
- *"Since ... visited the same address a day before you, your visit a day later is considered an organizational meeting. Please explain this."*
- *(Despite stating that the contents of the bag were food, it was described as fruit by another suspect:) "Explain the discrepancies regarding the contents of the bag."*
- *"You were seen handing a white bag to ..., and ... was seen taking something from the bag. Please explain this."*
- *"You were seen leaving the house at ..., then meeting with ..., and later going to your family's residence before meeting with your friend .... Please explain this."*

These questions based on physical surveillance aim to portray normal daily activities as organizational efforts and to scrutinize individuals' personal freedoms.

Questions Based on Phone Surveillance

The police obtained court orders to monitor the phone conversations of young female university students, alleging them to be terrorists. However, the surveillance yielded only activities related to their daily lives. Despite the absence of criminal elements, the police presented these everyday conversations as if they were evidence of "secret terrorist activities," posing questions such as:

- *"It has been detected that you were on the same cell tower as .... Please explain this."*
- *"What is the issue you mentioned in the conversation where you said '... is upset'?"*
- *"It is considered that the call and signal data confirm you were staying at the same house as .... Please explain this."*
- *"You mentioned a person named .... and made plans to meet .... Please explain this."*
- *"You were seen meeting with ..., then parting ways, and later having a lesson with .... Please explain this."*
- *"There are conversations about an overseas trip. Please explain this."*

This approach demonstrates that even normal daily activities are being associated with terrorist activities, leading to violations of individual rights and justice. Using information from long-term phone surveillance to restrict personal privacy and freedom is a clear violation of the rule of law and human rights principles.

Individual Cases

- A.G.: A.G. was detained and arrested along with their spouse due to a technical surveillance conducted on the spouse. The arrest of A.G. solely based on their spouse being under surveillance exemplifies the punishment of individuals for the activities of their relatives, regardless of their own culpability, constituting a violation of the right to a fair trial.

- R.G.: R.G., an English teacher, was arrested for teaching English to five primary school students. Arresting individuals for educational activities is a severe infringement on the freedom of education and teaching. R.G.'s situation is a concerning example of teachers being penalized for providing education.

- H.A.: H.A. was detained along with their university-going daughter, and subsequently arrested because their middle school-aged daughter attended English lessons. Considering educational activities as criminal offenses is a significant violation of the right to education. The arrest of H.A. and their daughter penalizes families for contributing to their children's education.

- Z.A.: Z.A., a university student, was detained and arrested along with their mother. The arrest of Z.A. and their mother demonstrates the punishment of families as a whole. This situation exemplifies the punishment of individuals based on family ties rather than their own actions.

- E.G.: E.G., whose spouse had been previously arrested, was also arrested, leaving their two young children without parents. The arrest of E.G. violates the right to family unity. Depriving children of both parents is a serious violation of children's rights.

- G.G.: G.G. was arrested because their primary school-aged daughter attended English lessons, with their spouse having been previously arrested. The arrest of G.G. violates both the freedom of education and the right to family unity. Such actions lead to the collective punishment of families.

- G.Ş.: G.Ş. was arrested along with their university student daughter. The arrest of G.Ş. and their daughter exemplifies the punishment of family members based on their association with each other, violating the right to a fair trial.

- N.E.: N.E. was detained along with their 70-year-old mother-in-law and arrested for giving a ride to an English teacher. N.E. had been arrested previously on the same charges. This case shows that elderly individuals can also be affected by such operations. The arbitrary nature of the accusations violates the right to a fair trial and individual freedoms.

- R.Y.: R.Y. was detained and arrested along with their primary school-aged daughter because the daughter attended English lessons. The arrest of R.Y. and their daughter violates the right to education. Such actions exemplify the criminalization of contributing to children's education.

- H.Ç.: H.Ç. was detained along with their university and high school-aged daughters, and subsequently arrested with their university student daughter. The arrest of H.Ç. and their daughters demonstrates the collective punishment of families. This case involves the violation of educational rights and family unity.

- K.D.: K.D. was detained along with their high school-aged daughter and arrested for inviting their daughter's friends to dinner at their home. The arrest of K.D. demonstrates the criminalization of social activities. This situation shows that even social relationships and household activities can be considered criminal.

- E.M.: E.M., a mother of seven children, was detained along with her primary school-aged daughter and 16-month-old baby. She was not allowed to breastfeed her baby. E.M.'s primary school-aged daughter was arrested for attending lessons. The arrest of E.M. severely violates the rights of mothers and children. Preventing a mother from breastfeeding her baby is inhumane treatment.

- F.Ö.: F.Ö. was arrested for inviting high school students to their home, with another case against them on similar charges. The arrest of F.Ö. exemplifies the criminalization of educational activities, violating educational freedom and social relationships.

- M.E.: M.E. was detained along with their three high school-aged daughters, one of whom was asked about their connections to their two sisters and mother during interrogation. M.E. was arrested for sending their children to courses. The arrest of M.E. punishes families for contributing to their children's education. Accusing family members based on their associations violates the right to a fair trial.

- Z.T.: Z.T. was detained and arrested for providing educational coaching to students. The arrest of Z.T. criminalizes legitimate educational activities, severely infringing on the freedom of education and teaching.

- A.B.: A.B. was detained along with their two high school-aged daughters and one university student daughter, and subsequently arrested with their university student daughter. The arrest of A.B. and their daughters demonstrates the collective punishment of families, violating educational rights and family unity.

- A.B. (University Student): A first-year university student, A.B., was arrested along with their mother. The arrest of A.B. and their mother violates the educational rights of young people and punishes family ties. This situation infringes on the right to a fair trial and family unity.

- H.K.: H.K. was arrested for sharing a house with a university-going friend. The arrest of H.K. exemplifies the punishment of individuals based on their living arrangements, violating personal freedoms and privacy.

These cases highlight the extensive human rights violations resulting from the operation conducted in Istanbul on May 7, 2024. Fundamental rights such as education, expression, travel, and family unity have been severely infringed. These actions demonstrate the criminalization of legitimate and lawful activities by labeling them as terrorist activities.

Detention Orders by Istanbul Criminal Judgeships of Peace on May 10, 2024

On May 10, 2024, 28 out of 32 individuals referred to the Criminal Judgeships of Peace by the Istanbul Chief Public Prosecutor's Office were detained on charges of 'Membership in an Armed Terrorist Organization.' The detention orders issued by four different Judgeships in Istanbul were based on arbitrary reasons.

Reasons for the Detention Orders

Criminalization of Educational Activities

The courts based their detention orders solely on the educational activities conducted by female students and their families within a framework of mutual support. The existence of student houses, the naming of these houses by the students, and the funding of these houses were considered sufficient

evidence of a so-called 'organizational structure.' Additionally, it was claimed that some students received scholarships. Activities such as naming student houses and providing scholarships are legal and legitimate within the scope of the right to education. Considering these activities as criminal elements is contrary to the principles of the rule of law and constitutes a violation of individuals' educational rights.

Allegations of Organizational Ties and Family Connections

The courts deemed the efforts of adults, who were dismissed from their professions by decree laws (KHK) or previously subjected to arbitrary judicial actions on 'terror' charges, to educate their children within their social circles as 'recruitment for the organization' without any basis, using this as a reason for detention. Additionally, the courts attempted to present the fact that the first-degree relatives of the female students were prosecuted under the pretext of being part of a 'terrorist organization' as evidence of guilt for the students.

Punishing individuals for the activities of their family members violates the right to a fair trial. According to the principle of individual criminal responsibility, a person's guilt should be evaluated solely based on their actions, and individuals should not be penalized for the actions of their relatives.

Effective Remorse and Vague Allegations

The courts accepted the statements of two girls and one minor, who were coerced into giving statements by the police, as evidence. These statements alleged that the students communicated via programs like Instagram, Telegram, and Google Meet and supposedly 'acted with confidentiality.' However, the use of social media and communication tools does not constitute a crime. Accepting such vague allegations as evidence is contrary to the principle of legal certainty.

Criminalization of Social Activities

The courts evaluated the social activities of university students as acts of terrorism and claimed that their international trips were planned as 'organizational activities.' Passport applications made for participation in legal programs like Erasmus were portrayed as 'organizational international trips.'

Social activities and international education programs are crucial and legal activities for individuals' development. Considering these activities as criminal elements violates individuals' educational and travel freedoms.

Phone Tappings and Physical Surveillance

The courts claimed that phone taps and physical surveillance of the female students proved the crime. However, they did not clarify which conversations constituted a crime or what crimes were discovered through physical surveillance. Phone taps and physical surveillance, focusing entirely on normal daily activities without presenting any concrete evidence, were evaluated as 'terror activities.' These surveillance measures constitute intrusions into individuals' private lives rather than evidence of crime, violating the rule of law principle.

The courts evaluated entirely legal activities as criminal elements and issued decisions reflecting not legal but political persecution. These detention orders cause irreparable harm to the lives of the detained individuals, most of whom are university students.

Legal Framework and Violated Rights

This operation involved serious violations of rights according to the Turkish Constitution and international law. The interventions in the rights of detained university students and minors should be evaluated within the framework of the following legal texts:

- UN Convention on the Rights of the Child (CRC): Articles 14, 15, 16, 28, 37, 40(2)(a)
- International Covenant on Civil and Political Rights (ICCPR): Articles 17, 18, 24
- European Convention on Human Rights (ECHR): Articles 5, 6, 8, 11
- Constitution of the Republic of Turkey: Articles 17, 19, 20, 41, 42

Violated Rights:

- Right to Liberty and Security: Detaining individuals on unlawful charges constitutes a violation of the right to liberty and security under Article 19 of the Constitution and Article 5 of the ECHR.
- Right to a Fair Trial: The lack of legal basis for the charges indicates a violation of the right to a fair trial under Article 6 of the ECHR and Article 40(2)(a) of the UN CRC.
- Right to Respect for Private and Family Life: Arbitrary investigation and detention of adults and children, forcibly removing them from their homes, prolonged physical and technical surveillance, and separating them from their families violate the right to respect for private and family life under Article 17 of the ICCPR, Article 8 of the ECHR, and Article 41 of the Constitution.
- Prohibition of Torture and Inhumane Treatment: The physical and psychological pressure exerted on detainees, including children, during

detention violates the prohibition of torture and inhumane treatment under Article 3 of the ECHR and Article 37 of the UN CRC.

- Right to Education: Disrupting the education of youth and children violates the right to education under Article 42 of the Constitution and Article 28 of the UN CRC.

It should also be noted that Article 40(2)(a) of the UN CRC states that **children should not be accused or found guilty of any actions or omissions that were not prohibited by national or international law at the time they were committed**. In the context of the operation carried out in Istanbul on May 7, 2024, this article was severely violated, especially for the 16 children under the age of 18. These children were detained for participating in lawful and legitimate educational activities, engaging in social events, and living with their families or friends. Despite not having committed any crimes according to the laws governing their rights, these children were treated as criminals, in direct contradiction to international legal norms. The forcible removal of these children from their homes and their prolonged interrogation without legal representation caused significant psychological and physical harm, contravening the fundamental principles of the UN CRC.

Conclusion

The operation conducted on May 7, 2024, in Istanbul's Beylikdüzü district involves severe human rights violations under national and international law. The detentions and arrests carried out under the pretext of connections to the Gülen Movement have resulted in grave consequences, especially for children and young people. The treatment of the 16 children and other individuals detained, and particularly the 29 who were arrested, has led to violations of fundamental rights such as liberty and security, the right to a fair trial, respect for private and family life, the prohibition of torture and inhumane treatment, and the right to education. The arbitrary and unlawful accusations against children are in direct contradiction to international human rights standards, undermining the core principles of the rule of law.

Recommendations

Release of Detainees: Students and adults detained on arbitrary and baseless grounds should be released immediately.

Independent and Impartial Investigation: An independent and impartial investigation should be conducted into the human rights violations that occurred during and after the operation.

Protection of the Right to a Fair Trial: The rights of the accused to a fair trial should be safeguarded. Legal representation and support from

attorneys should be provided, and judicial processes should be conducted transparently and impartially.

Protection of Children's Rights: The rights of detained children must be protected within the framework of the UN Convention on the Rights of the Child and other international documents. Additionally, necessary regulations should be implemented to prevent police operations targeting children under similar circumstances.

Protection of the Right to Education: The right to education is fundamental for children and young people. Necessary measures should be taken to ensure that they can continue their education, and educational activities should not be criminalized.

Respect for Private and Family Life: Arbitrary surveillance and eavesdropping activities should be ceased, and respect for individuals' private and family lives should be maintained. Families should be kept together, and family unity should not be disrupted.

Provision of Psychological Support: Appropriate psychological support should be provided to children and families who experienced trauma during the detention and arrest process. This support should aim to mitigate the effects of the traumas they have experienced.

Compliance with International Law: Turkey should act in accordance with the international treaties and agreements to which it is a party. Necessary reforms should be made to prevent human rights violations and to ensure the rule of law.

This report has been prepared to document the human rights violations that occurred during the operation conducted in Istanbul on May 7, 2024, and to prevent such violations from recurring. By drawing the attention of national and international public opinion, the aim is to ensure justice and the protection of human rights.