

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL TUR 20/2020

10 November 2020

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 42/22, 44/8, 40/16 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of Mrs. **Reyhan Akcan**, Mr. **Nurullah Albayrak**, Mr. **Ahmet Altundag**, Mr. **Fahri Atmaca**, Mrs. **Beyza Ayar**, Mrs. **Nurhan Erdal Bahadır**, Mr. **Ilker Bakkal**, Mrs. **Esra Balci**, Mr. **Hayrullah Beyter**, Mr. **Yakup Bulut**, Mr. **Hakan Cankurtaran**, Mr. **Harun Cankurtaran**, Mr. **Kuddüsü Cankurtaran**, Mr. **Taha Furkan Cetinkaya**, Mrs. **Hanife Çiftçi**, Mr. **Yunus Dursun**, Mr. **Mustafa Gazioglu**, Mrs. **Derya Gül**, Mr. **Mumin Heybet**, Mrs. **Demet İkinci**, Mr. **Dağistan Kibar**, Mrs. **Nurdan Kibar**, Mr. **Muhammet Koşar**, Mr. **Cihan Mete**, Mr. **Kaya Musa**, Mr. **Ümit Nazik**, Mrs. **Hadice Ogut**, Mr. **Ibrahim Oguz**, Mr. **Mustafa Özel**, Mr. **Veysel Öztürk**, Mr. **Suleyman Seydi**, Mrs. **Ayşe Taş Şeyma**, Mrs. **Sultani Temel**, Mrs. **Tevrat Tezin**, Mrs. **Ayşe Topçu**, Mr. **Erdoğan Tutu**, Mr. **Yahya Uludag**, Mr. **Ali Ünal**, Mrs. **Fatma Urunga**, Mrs. **Elif Uzun**, Mrs. **Selda Devrim Yildirim**, Mr. **Mehmet Yilmaz**, Mr. **Nasih Yilmaz**; all Turkish nationals, whose details and individualised allegations of arbitrary arrest, detention and/or prosecutions in the context of, or in the aftermath of the 15 July 2016 coup d'Etat, are summarized herewith in Annex II. Among these individuals are teachers, judges, lawyers, military cadets and police officers.

We also recall the Special Procedures communications under reference UA TUR 9/2020; AL TUR 10/2020; AL TUR 5/2020; AL TUR 6/2018; UA TUR 7/2018; and UA TUR 1/2018 which raised concern regarding the allegations of the arrest and detention of individuals accused of membership to a terrorist organization after the coup d'Etat in 2016.

According to the information received:

Background and context

The arrest and detention of the above-mentioned individuals took place in the context of an ongoing widespread crackdown by the Turkish authorities against suspected opponents, following the failed coup d'Etat on 15 July 2016.

Even though the attempt was reportedly perpetrated by soldiers and military officers, almost immediately after judges, prosecutors, journalists, businessmen, academics, civil servants, teachers and others were accused of being members of the FETÖ movement. Tens of thousands of public sector employees were subsequently dismissed, and hundreds of media outlets and non-governmental organizations shut down.

It is reported that the courts are practically controlled by the Government, who allegedly has been using the criminal justice system, counter terrorism legislation and emergency measures legislation to persecute political opponents. Since July 2016, more than 150,000 people have reportedly been arrested and interrogated and of these 55,000 have been accused of membership of a terrorist organization and detained by judges of criminal courts of peace.

The criminal judgeships of peace were established by Law No. 6545 “on Amendments to Turkish Penal Code and Certain Laws”. Under this system, functions related to supervision of the investigation are transferred to the criminal jurisdiction of the judges of peace, who are responsible for taking all the decisions which need to be taken by a judge during all investigations, including those relating to the arrest and detention of the suspect, property seizures and search warrants. The criminal judgeships of peace are also responsible for reviewing on appeal the decision taken by another criminal judge of peace, thereby creating a “closed circuit” system, i.e. a closed system of appeals within the criminal jurisdiction presided over by judges of peace, with minimal recourse to the wider courts system and with significant human rights implications. The detentions of the individuals mentioned in Annex II have been carried out by these courts and judges.

Judges of criminal courts of peace are appointed by the Council of Judges and Prosecutors. In a communication addressed to your Excellency’s Government on 14 September 2020, the Special Rapporteur on the independence of judges and lawyers raised serious concerns on the independence of the CJP, whose members are appointed by the President of the Republic and the Turkish Grand National Assembly along party lines (OL TUR 15/2020). Virtually, all of the 112 people who were assigned as judges of criminal courts of peace by the Council of Judges and Prosecutors are members of the Platform of Unity in the Judiciary, which was established by the Government. We are concerned that the structure, means of appointment and functioning of these courts, implies that they could be “instrumentalized” by the Government as means of instigating prolonged detention.

Arrests, detentions and trials in the cases at hand

In a majority of cases submitted in the annexed table, it has been alleged that between March 2016 and June 2019, police officers raided the house of the individuals, without search warrants, and seized personal electronic devices (phones, computers, etc.). Many of the individuals were arrested without an arrest warrant presented to them and without being informed of the reasons for their arrest.

When arrest warrants were presented, it is reported that such warrants, as well as detention orders, in most cases, did not include any concrete facts or findings to show the justification for the detention (i.e. suspicion of intention to escape and risk of tampering with evidence) or show why judicial control would be insufficient. Neither was evidence shown to demonstrate that there was strong suspicion that a crime had been committed by the individuals.

The above-mentioned individuals¹ were then kept in custody for a period of two to 18 days before an arrest warrant or a detention order was issued by the competent authority. During this period, these individuals were not presented before a judicial authority to enable them to exercise their right to challenge the legality of detention.

It is also reported that, in the majority of these cases, the individuals were not able to contact their lawyer and were thus initially interrogated by officers without a lawyer present. At a later stage, they were eventually allowed to be assisted by a lawyer, but their ability to provide effective assistance was adversely impacted, as they could not speak in private, or were not given prompt access to their case files. For the individuals who were able to be assisted by a lawyer, it is alleged that prior to their interrogation, they were permitted to meet with their lawyers for the first time, only for a few minutes and their conversation was not confidential and most often recorded. Some of these individuals were not permitted to choose their own lawyer but appointed a state attorney, who would avoid meeting with them and try to convince them to confess the charges.

All of these individuals have been suspected, charged or convicted for their membership in a terrorist organisation, the Gülen movement. The grounds and evidence which these accusations rely on consist of activities such as having a bank account at Bank Asya; subscribing to Gülenist affiliated newspapers, journals or magazines; downloading and/or using an application called ByLock; sending their children to schools run by the Gülen Movement; attending religious sermons; participating in diverse activities and events related to the Gülen Movement and similar acts. It appears that none of these activities, in themselves, constitute criminal acts but are rather exercise of rights protected by the International Covenant on Civil and Political Rights (the "ICCPR").

A number of these individuals were initially detained in small, overcrowded and unsanitary cells. It is reported that several of these individuals have been subjected to ill-treatment. Some of them have been physically threatened or abused, subjected to sleep deprivation or forced to confess to fabricated charges. They were subsequently placed in pre-trial detention and transferred to severely overcrowded detention facilities in various parts of the country.

Some of these individuals, such as the military cadets, have been tried in a mass trial and there has not been individual assessment of the guilt in such cases. This appears to have been the case for Mr. Taha Furkan Cetinkaya.

¹ Except for Mr. Albayrak.

In the cases of judges arrested and tried, it appears that their status and specific procedure pursuant to such status have been ignored. We understand that there are specific regulations in the Constitution of Turkey and in the Law No. 2802 regarding the investigation and adjudication of public prosecutors and judges in case of the allegation of committing a crimes. Article 88 of this law suggests that judges and prosecutors cannot be arrested or detained, they and their homes cannot be searched, and they cannot be interrogated other than in the cases of flagrante delicto for aggravated felonies which must be heard by a special jurisdiction. For instance, with regard to Mrs. Sultani Temel, her status as a judge has been ignored.

It has been reported that a high number of detainees imprisoned on charges of membership of a terrorist organization consist of pregnant or nursing women. In this context, it is alleged that a number of the pregnant women suffered miscarriage due to the adverse treatment they were subjected to. Women have been taken into custody and arrested, and many of them were sent to prison along with their children. Among these women detained with infants are Mrs. Nurhan Erdal Bahadır, Mrs. Ayşe Topçu, Mrs. Fatma Urunga, Mrs. Ayşe Şeyma Taş, Mrs. Hanife Çiftçi, Mrs. Derya Gül, Mrs. Reyhan Akcan, Mrs. Elif Uzun and Demet İkinci.

While we do not wish to prejudge the accuracy of these allegations, we are raising serious concerns at the arrest, detention and prosecution of and charges brought against these individuals. Our concerns arise from the vague and imprecise charge of “membership of an armed terrorist organization”, which appears to be repeatedly misused to target critics of the Government’s policies, particularly since the imposition of the state of emergency, and to criminalize the real or imputed peaceful association of people with the “Gülenist” movement and some of its legitimate activities. We also reiterate our concerns at the repressive environment which your Excellency’s Government has established for the exercise of fundamental rights in Turkey. Grave concerns are also expressed at the allegations of torture and other cruel, inhuman or degrading treatment or punishment of the above individuals.

These allegations appear to constitute, prima facie, a violation of articles 7, 9, 14, 19, 21 and 22 of the ICCPR, ratified by Turkey on 23 September 2003 which guarantee the absolute and non-derogable right not to be subjected to torture and other ill-treatment, the universally-recognized rights not to be deprived arbitrarily of liberty, and to a fair trial before an independent and impartial tribunal previously established by law, freedom of opinion and expression, and freedom of peaceful assembly and association.

We wish to remind your Excellency’s Government that although international human rights law allows a State to limit the full exercise of derogable rights provided by the ICCPR when the country is faced with emergency situation,² the right to do so is not unlimited and is subject to clear and specific constraints. Specifically, it requires that measures derogating from the ICCPR are only allowed if and to the extent that the situation constitutes a fundamental threat to the “life of the nations”. An essential

² See art. 4 of the ICCPR.

requirement for measures derogating from the ICCPR is that they be limited to the extent strictly required by the exigencies of the situation, be proportionate and non-discriminatory. The Government is also under a procedural obligation to update its notices of derogation to reflect all measures and ensure that all measures are consistent with its general obligations under international law. The obligation to limit derogations to those strictly required by the exigencies of the situation reflects the principles of legitimacy, proportionality and necessity.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations. We also wish to refer to a number of opinions adopted by the Working Group on Arbitrary Detention relevant to the issues raised in this communication (see also Annex).

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal basis for the arrest and detention of the above individuals, and how these measures are compatible with Turkey's international human rights obligations as set forth, inter alia, in the norms and standards referred to above. In particular, please provide details about the evidence used as a basis for the charges against them and how this complies with articles 9 and 14 of the ICCPR.
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the allegations of torture and/or cruel, inhuman or degrading treatment during arrest and while custody. If no inquiries have been initiated, please explain why and how this is compatible with the international human rights obligations of Turkey.
4. Please provide us with information on the legal proceedings against these individuals and their current status.
5. Please provide detailed information about the measures taken by your Excellency's Government to effectively protect, in law, procedures and practice, individuals from ill-treatment and torture while in police custody and subsequent detention.
6. Please provide details on the measures taken to ensure the physical and mental integrity of the above individuals while in detention, including any measures to ensure their access to adequate healthcare.

7. Please also explain what steps are being taken by your Excellency's Government to address the specific needs of pregnant women, nursing mothers as well as mother with infants or children while in detention.
8. Please indicate what measures have been taken by your Excellency's Government to ensure that people are able to carry out their legitimate exercise of the right to peaceful assembly and association in a safe and enabling environment, without fear, or threats or acts of intimidation and harassment of any sort, in the full respect of their civil and political rights.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Firstly, according to article 9 (1) of the ICCPR, no one shall be deprived of liberty except on such grounds and in accordance with such procedure as are established by law. We thus recall that with regard to arrests conducted in situations that cannot be considered as flagrant, and where an arrest warrant was not presented to the individual arrested, it is considered that it was carried out without a legal basis.³

We also note that the lack of information on the reasons for the arrest and the absence of prompt notification of charges may constitute a violation of article 9(2) of the ICCPR, according to which anyone who is arrested shall be informed of the reasons for arrest and promptly informed of any charges against him or her.⁴ In this regard, we recall that “[t]he reasons must include not only the general legal basis of the arrest, but also enough factual specifics to indicate the substance of the complaint, such as the wrongful act and the identity of an alleged victim”.⁵ Furthermore, a derogation under article 4 of the ICCPR cannot justify a deprivation of liberty that is unreasonable or unnecessary.⁶

We wish to highlight that, according to article 9(3) of the ICCPR, anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power. According to article 9(4), anyone who is deprived of his or her liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. Therefore, any situations where an arrested individual was held in custody for multiple days without being brought before a judge and where the individual was unable to challenge the legality of his or her detention would be contrary to the norms stated above.⁷

We also wish to highlight that the Working Group observed in multiple cases that the core of the allegations against individuals is the alleged alliance with the Gülen group, which, stems from having downloaded and/or used the ByLock application.⁸ We recall that, unless it is explained how the specific alleged use of this application by an accused could be equated with a criminal act, this accusation would be contrary to the right to freedom of expression, as prescribed in article 19 of the

³ E.g. opinions No. 11/2018, paras. 46 and 49; No. 78/2018, paras. 69-72; No. 10/2019, para. 64; No. 53/2019, para. 69; No. 29/2019, para. 72; and No. 30/2019, paras. 71-76.

⁴ E.g. opinions No. 53/2019, paras 68-69; No. 29/2020, paras 79-80 and No. 30/2020, paras. 70-71.

⁵ See General Comment No. 32 of the Human Rights Committee, at para. 25.

⁶ See General Comment No. 35 of the Human Rights Committee, at para. 66; see also CCPR/C/21/Rev.1/Add.11, para. 3.

⁷ See e.g. opinions No. 1/2017, para. 47; No. 42/2018, para. 79; No. 44/2018, para. 79; No. 78/2018, para. 71; No. 84/2018, para. 61; No. 2/2020, para. 62; No. 29/2020, para. 75, and No. 30/2020, para 74.

⁸ See e.g. opinions No. 41/2017; No. 42/2018; No. 43/2018; No. 44/2018; No. 78/2018; No. 53/2019; No. 79/2019; No. 2/2020; No. 29/2020; and No. 30/2020.

ICCPR.⁹ We remind that the freedom of opinion and freedom of expression as expressed in article 19 of the ICCPR, are indispensable conditions for the full development of the person; they are essential for any society and in fact constitute the foundation stone for every free and democratic society.¹⁰ According to the Human Rights Committee, no derogations can be made to article 19 simply because “it can never become necessary to derogate from it during a state of emergency”.¹¹ We also recall the findings of the Human Rights Committee, in which it dismissed the mere use of the ByLock application as sufficient basis for the arrest and detention of an individual.¹²

With regard to the activities which form the basis of the charges for the membership of a terrorist organisation, we also refer to the Report on the impact of the state of emergency on human rights in Turkey of the Office of the High Commissioner on Human Rights.¹³ This report examined the impact of various Decrees issued by the Turkish Government, which served as a basis for the dismissal of large numbers of security, military and police officers, teachers, academics, civil servants and health sector personnel and concluded that:

The decrees do not establish clear criteria used to assess links of the dismissed individuals to the Gülenist network. As a result, dismissals have been ordered on the basis of a combination of various elements, such as making monetary contributions to the Asya bank and other companies of the “Parallel State Organization”, being a member of a trade union or association linked to the Gülenist network, or using the messenger application ByLock and other encrypted messaging programmes. The dismissals may also be based on reports by the police or secret service about some individuals, analysis of social media contacts, donations, websites visited, or sending children to schools associated with the Gülenist network. Information received from colleagues or neighbours, or subscription to Gülenist periodicals could also be used as criteria for dismissals.¹⁴

We also wish to recall that the Council of Europe High Commissioner for Human Rights stated that “despite deep suspicions about its motivations and modus operandi from various segments of the Turkish society, the Fethullah Gülen movement appears to have developed over decades and enjoyed, until fairly recently, considerable freedom to establish a pervasive and respectable presence in all sectors of Turkish society, including religious institutions, education, civil society and trade unions, media, finance and business. It is also beyond doubt that many organisations affiliated to this movement, which were closed after 15 July, were open and legally

⁹ See also A/HCR/35/22/Add.3, para. 54.

¹⁰ CCPR/C/GC/34, para. 2.

¹¹ CCPR/C/GC/34, para. 5.

¹² See Opinion 51/2020, para. 92, referring to CCPR/C/125/D/2980/2017.

¹³ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East”, January–December 2017 (March 2018). See also A/HRC/37/52.

¹⁴ OHCHR, Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017 (March 2018) at para 65.

operating until that date”.¹⁵ In the light of this, the CoE Commissioner for Human Rights pointed out that there is therefore a need “[...] when criminalising membership and support of this organisation, to distinguish between persons who engaged in illegal activities and those who were sympathisers or supporters of, or members of legally established entities affiliated with the movement, without being aware of its readiness to engage in violence”.¹⁶

We also wish to remind your Excellency’s Government of the implications of the right to be assisted by a lawyer, of having access to the case file and of being able to prepare for ones’ defence enshrined in article 14 of the ICCPR. In this context, we recall that the aftermath of a coup cannot justify overly intrusive measures of the right of access to a lawyer or to the case file.¹⁷ Moreover, the denial of access to a lawyer without any explanation of the legitimacy of such measure and without reasonable justification that would show the proportionality of the measure is against international standards as the individual cannot challenge the lawfulness of the detention before a court.¹⁸ We also recall that the lack of adequate and private time with a lawyer for the preparation of the defence does not meet the international requirements in relation to the right to a fair trial.¹⁹ The content of these rights is described in greater details in the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990. They require States to adopt all appropriate measures to ensure that lawyers are able to perform all of their professional functions “without intimidation, hindrance, harassment or improper interference”.

The Basic Principles provide that “all persons are entitled to call upon the assistance of a lawyer of their choice” (principle 1) and that Governments must adopt all appropriate measures to ensure that “all persons arrested or detained, with or without criminal charge, (...) have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention” (principle 7). The Basic Principles also provide that arrested, detained or imprisoned persons shall be provided “with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality” (principle 8).

We also recall that guilt by association, *i.e.*, when a person is punished for a political or ideological crime, members of his or her family are also punished, is contrary to international standards, including article 14 of the ICCPR.²⁰

We further note that the essence of the right to a fair trial, enshrined in article 14 of the ICCPR, is the basic legal principle of the equality of arms. This principle

¹⁵ Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey CommDH(2016)35 of 7 October 2016, p.4.

¹⁶*Ibidem*.

¹⁷ See e.g. opinions No. 38/2017; No. 41/2017; No. 43/2018; No. 44/2018; No. 78/2018; No. 84/2018 No. 53/2019; No. 29/2020.

¹⁸ See. e.g. opinions No. 38/2017; No. 41/2017; No. 43/2017; No. 44/2018; No. 84/2018.

¹⁹ See e.g. opinions No. 1/2017; No. 38/2017; No. 41/2017; No. 42/2018; No. 44/2018; No. 78/2018; No. 10/2019; No. 29/2020.

²⁰ See. e.g. opinion No. 11/2018.

presumes the ability of the accused to defend himself or herself effectively either in person or through legal representation. This, in turn, presumes that the defendant is able to examine the evidence against him or her and cross-examine any witnesses that are presented by the prosecution.²¹

We would also like to reiterate the international norm of *jus cogens* of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) ratified on 2 August 1988.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has deemed that prolonged solitary confinement in excess of 15 days, whereby some of the harmful psychological effects of isolation can become irreversible (A/63/175, para. 56 and A/66/268, para. 61) or incommunicado detention in a secret place may amount to torture as described in article 1 of the Convention against Torture (A/56/156, para. 14).

We wish to recall that targeting individuals for their alleged affiliation to a group considered criminal by the authorities, without having been active members of the group or supporters of its criminal activities, may constitute discrimination and may thus be contrary to international law.²²

We respectfully remind your Excellency's Government of the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. All of these resolutions require that States ensure that any measures taken to combat terrorism or violent extremism, including incitement of and support for terrorist acts, must comply with all of their obligations under international law. We would like to emphasize that any restriction on freedom of expression or information that a Government seeks to justify on grounds of national security or counter terrorism, must have the genuine purpose and the demonstrable effect of protecting a legitimate national security interest.²³

We respectfully remind your Excellency's Government, that although there is no agreement on a multilateral treaty on terrorism which *inter alia* defines terrorism, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity and proportionality. The definition of terrorism in national legislation should be guided by the acts defined in the Suppression Conventions,²⁴ the

²¹ See Opinion No. 35/2019, para. 57.

²² See e.g. Opinions No. 42/2018, para. 107; No. 43/2018, paras. 99-103; No. 44/2018, para. 103; No. 10/2019, para. 98; No. 53/2019, para. 91; No. 79/2019, para. 77; No. 2/2020, para. 78; No. 29/2020, para. 101.

²³ Human Rights Committee, General comment No. 34, Article 19: Freedoms of opinion and expression; [CCPR/C/GC/34](#).

²⁴ See e.g. the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention) of 1963; the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague

definition found in Security Council resolution 1566 (2004) and also by the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, which were approved by the General Assembly.²⁵ We recall the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which provides clear guidance to States on appropriate conduct to be proscribed and best practice.²⁶ Those elements include:

- a) Acts, including against civilians, committed with the intention of causing death or serious bodily injury, or the taking of hostages,
- b) Irrespective of whether motivated by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, also committed for the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act,
- c) Such acts constituting offences within the scope of and as defined in the international conventions and protocols relating to terrorism.²⁷

We also wish to bring attention of your Excellency's Government to the "principal of legal certainty" under article 15(1) of the ICCPR, which requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and what would be the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has called on States to ensure that their counter-terrorism and national security legislation, is sufficiently precise in order to comply with the principle of legal certainty, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds.²⁸

We respectfully refer to Turkey's obligations in regard to the protection of the rights of peaceful assembly, opinion, and expression under the ICCPR. The right to freedom of opinion, enshrined in article 19 (1) is absolute, permitting no restriction. The right to freedom of expression in article 19 (2) is broad, and protects even expression that may be regarded as deeply offensive.²⁹ Any restriction to the rights to freedom of expression and of peaceful assembly must be made in accordance with the requirements of articles 19 (3) and 21. Consequently, any restriction must pursue a

Convention) (1970); the International Convention on the Taking of Hostages (Hostages Convention) of 1979; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971; and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973; [E/CN.4/2006/98](#) paras. 25-50.

²⁵ [S/RES/1566](#); [A/RES/51/210](#).

²⁶ [A/59/565 \(2004\)](#), para. 164 (d).

²⁷ [E/CN.4/2006/98](#), para 37

²⁸ [A/70/371](#), para. 46(b).

²⁹ General Comment No.a 34, para. 11.

legitimate aim, be provided by law, and be necessary and proportionate. Likewise, right of peaceful assembly in article 21 is broad. As highlighted by the Human Rights Committee, “while the notion of an assembly implies there will be more than one participant in the gathering a single protester enjoys comparable protections under the ICCPR, for example under article 19. Although the exercise of the right of peaceful assembly is normally understood to pertain to the physical gathering of persons, article 21 protection also extends to remote participation in, and organisation of, assemblies, for example online.”³⁰ Any restriction to the rights to freedom of expression and of peaceful assembly must be made in accordance with the requirements of articles 19 (3) and 21. We would like to remind your Excellency’s Government that all restrictions of the right to peaceful assembly as protected under article 21 of the ICCPR, need to fulfil the criteria of necessity, proportionality and be based on law. We strongly urge your Excellency’s Government to ensure that all laws and state of emergency measure are compatible with Turkey’s obligation to uphold the right to freedom of assembly. The State has the burden of proof to demonstrate that any restriction of the freedom of expression and of peaceful assembly are compatible with the ICCPR.³¹

³⁰ General Comment No. 37, para. 13.

³¹ See e.g. General Comment No. 34, paras. 27 and 35.

Annex II

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
1	Mrs. Reyhan Akcan	Graduated from the faculty of theology	- Arrested 10 December 2018. - Placed in detention on 14 December 2018, imprisoned since then.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: participation in activities of the Gülen Movement; Bank Asya account, having a husband working in Zaman newspaper which was considered a media institution of the Movement, testimonies (from confessors and witnesses) on her affiliation (then withdrawn). - Sentenced on 19 December 2019 to 8 years and 9 months imprisonment. Appeal pending.	- Arrested despite no reasonable suspicion of a crime and to convince an objective observer. - Her husband was convicted to eight years in prison, because he was working in Zaman newspaper which was considered a media institution of the Movement, and this was taken into consideration during her trial.
2	Mr. Nurullah Albayrak	Lawyer, represented Mr. Fethullah Gülen	-Fled the country before his arrest and faces a two-year prison sentence if he returns to Turkey.	- Charges: Misuse of public duty and leading an armed terrorist organization under art. 314(1) of the Penal Code (PC).	- Forced into asylum abroad. - Violation of presumption of innocence in relation to unfounded allegations of terrorism.
3	Mr. Ahmet Altundag	Theologian	- Arrested on 24 April 2018 - Placed in detention on 4 May 2018. Still detained.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: opposition to the anti-terrorism law, being suspected of running abroad, helping the Fetö terrorist organization, subscribing to the Zaman newspaper, working in Hizmet Movement institutions having an Asya bank account under art. 314 (2) PC.	- Arrest warrant presented and arrested while passing the Greece border. - Not informed of the reasons for the arrest. - Offered to be a confessor and kept in his cell for one more week because he did not accept the prosecutor proposal. - Sleep deprivation during custody. - Questioned without lawyer and then limited assistance by a lawyer (5 minutes before questioning, lawyer's ability to speak limited, discussions monitored and

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
					recorded). - Not allowed to present information before the judge.
4	Mr. Fahri Atmaca	Officer of the Turkish army then worker in a factory (expelled from the army)	- Arrested on 24 July 2018. - Placed in detention on 27 July 2018.	- Charges: Alleged member of FETÖ terrorist organisation. -Grounds: downloading the ByLock application.	- No arrest and search warrants - Not informed of the reasons for his arrest - No reasonable suspicion of a crime and to convince an objective observer - In custody for 3 days - Poor conditions of detention during custody (sleep and food deprivation) - Was transferred 3 times in 3 days causing his health to deteriorate - No right to consult a lawyer. Granted at a later stage, but conversation was recorded and his lawyers could not bring any legal documents with them. Not allowed to choose his own lawyer. - In front of the judge he was not permitted to present any information in his defence.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
5	Mrs. Beyza Ayar	Teacher	- Arrested on 28 September 2016. - Released provisionally on 28 February 2018	- Charges: Alleged member of FETÖ terrorist organisation Grounds: using the By-Lock application. Judged and sentenced on 30 September 2016 to 6 years and 3 months' prison penalty; case before the Court of Cassation.	- No arrest warrant presented. - House search without warrant. - Brought to the judge in April 2017 without evidence. - Indictment prepared on 10 February 2017.
6	Mrs. Nurhan Erdal Bahadır	Sociologist	- Arrested on 7 December 2018	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: having a bank account at Bank Asya, downloading a communication app entitled ByLock, being employed at the organizations run by the Gülen Movement, sending their children to the schools run by this movement, attending religious sermons, and similar acts.	- In custody with her two-month-old son (which has medical condition called 'coarctation of the aorta.'). - Difficulties to obtain diapers and medicine in prison. - Difficulties to breastfeed as she is under constant surveillance.
7	Mr. Ilker Bakkal	Social studies teacher	- Arrested on 8 April 2018 - Placed in detention on 9 April 2018. - Pre-trial detention during 14 months and 24 days - Provisional release.	- Charges: Alleged member of FETÖ terrorist organisation, under art. 314 (2) CP. - Grounds: alleged use of Bylock, money invested in Bank Asya App. - Sentenced on 2 July 2019 to 6 years and three months of prison and ban of traveling outside the country.	- No arrest warrant shown to him, only told he was an alleged member of FETO - Lawyer appointer but not able to meet him before questioning, then, no private communication possible (recorded meetings) - Overcrowded cell and poor condition if detention
8	Mrs. Esra Balci	ND	- Arrested on 13 December 2016. - Detained since 15 December 2016.	- Charges: Alleged member of terrorist organization and aiding the terrorist organization under art. 314(1) of the PC. - Grounds: Bank Asya member and use of By-Lock Application.	- No arrest warrant presented. -House searched, phone seized, no search warrant presented. - Not informed about the charges against her. - Indictment issued on 7 February 2017.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
9	Mr. Hayrullah Beyter	Staff in the Ministry of justice	<ul style="list-style-type: none"> - Arrested on 18 October 2016. - Placed in detention on 19 October 2016. - Released on bail on 15 November 2016 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation, pursuant to art. 314(2) of the PC. - Grounds: download and/or use of By-Lock Application. - Sentenced to 6 years and 3 months of prison; Court of Cassation reversed his conviction, retrial ordered in accordance with rules of procedure. 	<ul style="list-style-type: none"> - Arrest warrant presented. - Police seized the cell phones at home. - Was interrogated for 15 minutes before he was transferred to the court house with the request of detention.
10	Mr. Yakup Bulut	ND	<ul style="list-style-type: none"> - Arrested on 26 April 2017 - Placed in detention on 4 May 2017 - Released on 15 May 2018 	<ul style="list-style-type: none"> - Charges: Alleged member of and aiding a terrorist organization, art. 220 PC. - Grounds: Bank Asya account, involved in Ufuk Tarım Orman association and sent his daughter to Samanyolu high school (alleged to have connection with FETÖ Terrorist Organization). - Case is pending before the Regional Court of Justice 	<ul style="list-style-type: none"> - No arrest warrant. - Search warrant presented and seizure of electronic devices. - Not informed of the reasons for his arrest - arrested despite no reasonable suspicion of a crime and to convince an objective observer. - Custody for 8 days with 150 other people without being informed of charges. - Interrogated without his lawyer. -Indictment on 10 October 2017 (7 months after he was detained)
11	Mr. Hakan Cankurtaran	Police officer	<ul style="list-style-type: none"> - Arrested 20 October 2016 - Released on bail on 26 October 2016. 	<ul style="list-style-type: none"> - Alleged member of the FETÖ terrorist organization under art. 314 (2) of the CP. - Grounds attending meetings of the organisation. - Trial started on 18 July 2016. Prison sentence for 6 years and 3 months, case pending before the Court of Cassation. 	<ul style="list-style-type: none"> - No arrest warrant presented. - House search and no search warrant presented. - Not informed of the reason for the arrest. - Compelled to confess guilt. - Presented to judge six days after the arrest. - Appointed lawyer, who did not provide effective assistance.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
12	Mr. Harun Cankurtaran	Teacher	-Arrested on 25 July 2016 -Detention order on 12 August 2016 - 24 March 2017. 21 December 2018 -25 October 2019 – then released on bail.	-Charges: Alleged member of FETÖ terrorist organization. - Grounds: Sending his children to the school which is connected to Gülen under art. 314(1) of the Turkish Penal Code and art. 309 CP (violation of the constitution), art. 313 CP (Armed revolt against the government of Turkish Republic). Judgement on 13 January 2016, sentenced to 4 years and 4 months of prison, case pending before the Court of cassation.	- No arrest warrant presented. - House search, no search warrant presented. - Poor conditions of detention (sleep deprived during 18 days, cell overcrowded) - In police custody for 18 days. - Not informed of reasons for the arrest during 18 days and charged after 6 months (indictment in 13 January 2016) - Interrogated without a lawyer.
13	Mr. Kuddüsü Cankurtaran	Deputy inspector	- Arrest on 19 August 2016. - Released on bail 22 August 2016. - Arrested again on 17 February 2017. - Released pending trial.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: potential use of the By-Lock Application. - Judged and sentenced on 24 October 2017 to 7 years and six months in prison. Case before the Court of Cassation	- No arrest warrant presented. - House search without search warrant presented. - Poor conditions of detention (lack of water and food; bad air; overcrowded cell). - Brought before a judge to challenge the legality of his detention after around eight months of detention. - Not allowed to examine the witness testimonies, even if ground of arrest based on a witness.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
14	Mr. Taha Furkan Cetinkaya	Cadet at air force military school	-Arrested on 16 July 2016.	<ul style="list-style-type: none"> - Charges: Membership in an armed terrorist organisation; attempt to overthrow the Government by using force. Articles 309/1, 311/1, 312/1 and 314/2 of the Turkish Penal code as well as article 91 of the Criminal Procedures Act. - Grounds: the commanding officers and the cadets allegedly used their firearms in order to disperse the crowd and stop the police officers. - Sentenced to life imprisonment on 25 May 2018. 	<ul style="list-style-type: none"> - Arrest warrant presented - All cadets were sentenced in one casefile. - No concrete, clear, precise and consistent evidence. - Not promptly informed about the reasons of his arrest and the charges against him. -No information about the evidence against him that would justify his arrest and detention. - Lack of sufficient reasoning in the court judgement.
15	Mrs. Hanife Çiftçi	ND	<ul style="list-style-type: none"> - Arrested on 25 June 2019 - Placed in detention on 27 August 2019 - Released under judicial control. 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. - Grounds: Bank Asya account. - Sentenced to 6 years and 3 months' imprisonment on 28 November 2019. Appeal pending. 	<ul style="list-style-type: none"> - Arrest warrant presented. - Two months pregnant at the time of the arrest. - Poor conditions of detention (heat, lack of water, lack of beds, cell overcrowded) - Health issues, not taken to hospital. - During questioning, forced to be an informant under the Effective Repentance Law.
16	Mr. Yunus Dursun	Staff in Gendarmerie	<ul style="list-style-type: none"> - Arrested on 17 November 2017. - Released on bail on 8 February 2018, travel ban, suspended from duty. 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. - Allegedly being called by pay phone via By-Lock Application. - Investigation is ongoing and case pending before İzmir 18th Heavy Penal Court. 	<ul style="list-style-type: none"> - Arrest warrant presented - House searched, search warrant presented.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
17	Mr. Mustafa Gazioglu	High school teacher	-Arrested on 5 August 2016. -Placed in detention on 22 August 2016.	-Charges: Alleged member of and aiding a terrorist organization, art. 220 PC. -Grounds: account in Bank Asya, participation in the organization held by Gülen movement voluntarily, sent his child to the Gülen affiliated schools, subscribed to Zaman daily newspaper, was involved in Pak eğitim union and was involved in the Akdeniz özel okullar association.	-Arrest warrant presented. - Not informed of charges against him for 18 days. - Indictment prepared on 12 January 2018 - Not allowed to cross-examine the witnesses.
18	Mrs. Derya Gül	ND	- Arrested on 24 July 2017 (the day after she gave birth at hospital) - Released under judicial control on 25 July 2017.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: Bylock use, BankAsya account, being the vice chairman of the management board of a closed charity organisation titled "Deniz Egitim Gonulluleri" which was allegedly affiliated with the Gülen Movement. - Sentenced to 6 years and 3 months' imprisonment on 24 December 2018. - Awaiting for an answer for a case to be sent to the Supreme Court.	- No lawyer appointed to her. - Trial was conducted in her absence. - Takes her two children aged 0-6 years to her side in prison alternately.
19	Mr. Mumin Heybet	Former Vice Governor	- Arrested 23 July 2016 and placed in custody the same day - Placed in detention on 25 July 2016	- Charges: Alleged Membership in the armed terrorist origination FETÖ/PDY for Acting on behalf of the organization; Breaching the Constitution by acting in accordance with the organization; Attempting to assassinate the President of Turkey; Attempt to obstruct the functioning of the legislature body; attempting to overthrow and obstruct functioning of the government; Rebelling against the Republic of Turkey under art. 309, 310, 311, 312, 313 and	- Arrest warrant was presented. - Electronic devices seized - In detention without any compelling evidence. - Held in solitary confinement for 3 weeks - Transferred 2 more times in overcrowded wards (still detained in these conditions) - Denied his medical treatment during detention.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
				<p>314/2 of the Turkish Penal code.</p> <p>-Grounds: pictures and speeches of Fethullah Gülen in his computer and digital storages; Bank account in Bank Asya; ByLock app; was a student at a Gülen affiliated colleges or schools; subscribed to any Gülen affiliated newspaper, journal or magazine; sent his children to Gülen inspired schools, participated in Gülen Movement affiliated institutions and activities.</p> <p>- 10 December 2018, sentenced to 7 years and 6 months' imprisonment.</p> <p>- File pending before the Supreme Court.</p>	
20	Mrs. Demet İkinci	Housewife	<p>- Arrested 14 December 2018.</p> <p>- Placed in detention on 16 December 2018.</p>	<p>- Charges: Alleged member of FETÖ terrorist organisation.</p> <p>- Grounds: Bylock app, Bank Asya account, member to a closed association entitled "Berguzar" which was affiliated with the Gulen Movement, witnesses testimonies.</p> <p>- Sentenced on 2 July 2019 to 6 years and 3 months' imprisonment.</p>	<p>- Health issues due to the detention.</p> <p>- Poor conditions of detention.</p>
21	Mr. Dagistan Kibar	High school teacher	<p>- Arrested on 05 August 2016.</p> <p>- Placed in detention on 22 August 2016.</p>	<p>- Charges: Alleged member and aiding a terrorist organization under Art. 220 of CP.</p> <p>- Grounds: Bank Asya account, participation in the organization held by Gülen movement voluntarily, sent his child to the Gülen affiliated schools, was involved in the Aktif Sen Associations and the Rota association and shared views on Facebook.</p> <p>- The Court of Cassation upheld the judgement of the court of first instance and now he is sentenced to 13 years prison.</p>	<p>- Arrest warrant was issued against him but he was not aware of such arrest warrant.</p> <p>- House search in his absence, no search warrant.</p> <p>- Not informed of the reasons for his arrest.</p> <p>- No reasonable suspicion of a crime and to convince an objective observer.</p> <p>-Not informed of charges against him for 18 days.</p> <p>- Family visit limited.</p>

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
					<ul style="list-style-type: none"> - Indicted on 12 January 2018. - His right to examine witness was breached.
22	Mrs. Nurdan Kibar	High school teacher	<ul style="list-style-type: none"> - Arrested on 11 September 2018 - Released on bail. 	<ul style="list-style-type: none"> -Charges: Alleged member of a terrorist organization and aiding the terrorist organization under Art. 220 PC. - Grounds: being married to Dağistan Kibar, arrested two years prior to her on the grounds of: Bank Asya account, participation in an organization held by Gülen movement voluntarily, was sending her child to the Gülen affiliated schools, subscribed to Zaman daily newspaper, joined abroad trips organized by Gülen-affiliated school high school (İzmir yamanlar koleji), was involved in Pak eğitim union and used the By-Lock Application. - sentenced to 6 years and three months of prison, case before the court of cassation. 	<ul style="list-style-type: none"> - Arrest warrant presented. -Was taken for interrogations - Police forces have allegedly insulted her husband and was forced to a plea of guilt and to give names of other suspects. - Poor conditions of detention despite health issues.
23	Mr. Muhammet Koşar	Teacher	<ul style="list-style-type: none"> - Arrested between 1 August 2016 and 3 August 2016. - Placed in detention on 5 September 2019. - Released on 31 October 2019 on bail. 	<ul style="list-style-type: none"> - Charges: Alleged member of /aiding terrorist organization art. 314(2) PC. - Grounds: Bank Asya account, member of Diyarbakır Eğitimciler Derneği and Aktif Eğitimciler Association - Sentenced to 1 year and three months prison and case pending before the Court of Cassation. 	<ul style="list-style-type: none"> - No arrest warrant presented. - Not informed of the reasons for his arrest - No reasonable suspicion of a crime and to convince an objective observer. - Appointed lawyer and no effective legal assistance (no mention of his rights, no face to face conversation). - Judged in trial absentia and the court

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
					released its judgment in the absence of the accused or his lawyer (was denied to assist judgement one hour before the time of trial). - Indictment prepared on 15 May 2017.
24	Mr. Cihan Mete	Sergeant in the Turkish Armed Forces	- Arrested on 20 June 2017. - Placed in detention on 7 June 2017.	- Charges: Alleged member of the FETÖ organization -	-Arrest warrant presented -Home searched (2 phones, 3 hard disks, 1 flash disk and 2 computer seized) - Room and prison overcrowded. -Not possible to call the family. - No assistance by a lawyer during custody and no private meeting. -Health issues and lack of medical treatment.
25	Mr. Kaya Musa	Teacher	- Arrested on 23 July 2016. - Placed in detention on the same day.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: Worked at a school connected to the Gülen community, Bank Asya account and use of By-Lock application.	- No arrest warrant presented. - Not informed of the reasons for his arrest - Arrested despite no reasonable suspicion of a crime and to convince an objective observer. - No meeting with lawyer. - Could not see his family for 15 days.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
26	Mr. Ümit Nazik	Unemployed	- Arrest on 31 May 2017 - Provisional release on 5 April 2018	- Charges: Alleged member of FETÖ terrorist organisation. - Alleged user of ByLock application. - Convicted for membership to a terrorist organization (Art. 314(2) PC). - 5 April 2018 - Judgement by the criminal court. Case before the Court of Cassation.	- Arrested while crossing out border, authorities detected that he was a ByLock user. - No arrest warrant presented. - Detention order: no concrete facts or individual assessment. - No charges for 7 days after arrest and not presented before a judge during this period. - Indictment on 6 July 2017, no adequate time and facilities for the preparation of defence.
27	Mrs. Hadice Ogut	Teacher	- Arrested on 24 August 2016 - Placed in detention since 28 August 2016	- Charges: Establishing and leading an armed organization; membership in an armed organization under art. 314 of the PC. - Grounds: A witness statement in which the witness said that the applicant had gone to an all-female meeting in 2014 and she had read books (of Gülen movement), bank account at Bank Asya, downloading ByLock app, being member of a Gülen affiliated Associations called Aktif Egitim-Sen, organizing all-female meetings, subscribing to any Gülen affiliated newspaper, journal or magazine, sending her children to Gülen inspired schools. - Sentenced to 18 years in prison. - Appeal on 9 May 2018 and sentenced to 10 years and 6 months of imprisonment after the criminal court annulled the first instance judgment.	-No arrest warrant presented - No explanation of the reason for her arrest, not allowed to see anyone including her attorney - Forced to be photographed without a head scarf. - Attended her first hearing in 24 November 2017, 15 months after her detention. - Presiding judge interrupted her defense, shouted at her and humiliated her. - Numerous serious health issues. - Overcrowded cell. - Lawyer once a week for 20 minutes with the presence of a guardian, recorded.

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28	Mr. Ibrahim Oguz	Guard	<ul style="list-style-type: none"> - Taken to custody on 14 April 2017 - Placed under arrest on 21 April 2017, - Released conditionally on 28 January 2018 	Allegedly involved with FETÖ (art. 314 PC), due to his stay in a dormitory which was allegedly having connections with FETÖ (based on interception of his phone call records). Not charged.	<ul style="list-style-type: none"> - House search and electronic devices seized. - No arrest warrant. Issued on 21 April 2021. - Not informed in details of the reasons for his arrest. Informed of charges on 14 August 2017. - Assistance of a lawyer on 14 August 2017 during police interrogation. No effective assistance.
29	Mr. Mustafa Özel	Employee	<ul style="list-style-type: none"> -Arrested on 16 January 2017. -Placed in detention on 18 January 2017. - In detention for 1 year 2 months, then released on bail. 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. -Grounds: use of the By-Lock application. - Sentenced to 7 years 6 months and his case is pending before the Regional Court. 	<ul style="list-style-type: none"> - No arrest warrant. - House searched. - Not informed of the reasons for his arrest - arrested despite no reasonable suspicion of a crime and to convince an objective observer. - Slept on the floor at the police station for 3 days (in winter) - Held in an overcrowded cell (more than 60 people). - Same template questions asked to the 60 detainees for 3.5 - 4 hours

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
30	Mr. Veysel Öztürk	Prison guard	- Arrest on 21 April 2017 - Released	- Grounds: his child went to the Körfez Derşanesi preparation school; Bank Asya account; subscription to Zaman daily newspaper (affiliated with Gulen Movement); and phone connection with an individual who was under custody. - Basis: art. 314(2) CP and art. 5 of law no 3713. - Acquitted 03 May 2019 and he was released. compensation denied.	- No factual information provided on the reasons for arrest. - No appearance before a judge until 7 months after arrest - Denial of access to evidence and no cross-examination of witnesses possible. - Indictment prepared on 21 September 2017, trial on 22 November 2017.
31	Mr. Suleyman Seydi	Professor of History	-Arrested on 14 March 2016. -Placed in detention on 17 March 2016. -In detention for 3 years 7 months and two days .	- Charges: Allegedly Establishing and leading an armed terrorist organisation, under art. 314(1) of the CP. -Grounds: rigging a bid, forging official documents, unlawful recording, disclosing and securing personal data of others, taking bribery.	- Arrest warrant presented. - No assistance by a lawyer during the interrogation. - Part of the arrest of 130 individuals that all shared the same bill of indictment.
32	Mrs. Ayşe Taş Şeyma	Teacher	- Arrested and detained on 10 November 2018 (25 days after she gave birth) - Released under judicial control on 20 December 2018.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: attending religious sermons, taking an active role in the Movement, using Bylock. - Sentenced to 7 years and 6 months' imprisonment by the court on 07 March 2019. - Case approved by the Appeal Court and pending before the supreme Court.	- House searched on 27 July 2016 - Could not refer to healthcare facility by fear to get arrested. - Kept her young child with her while in detention.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
33	Mrs. Sultani Temel	Judge	<ul style="list-style-type: none"> - Arrested on 16 July 2016 and held in custody for 4 days. - Released on 20 July 2017. - Arrested again on 17 January 2017 and held in custody for 11 days. - Released from prison, place on house arrest on 5 October 2017 	<ul style="list-style-type: none"> - Charges: Attempting to overthrow the constitutional order of Turkey membership of the armed terrorist organization - Judged on 6 June 2018 and sentenced to 8 years and 9 months - Appeal was rejected on 11 December 2018 - Appeal to the Supreme Court on 4 January 2019 pending 	<ul style="list-style-type: none"> - Search of her apartment and office. - Arrested and detained without any credible evidence. - Suspended from her official functions - Held in custody for 11 days - Poor conditions of detention. - No access to lawyer, threatened by the police, forced to become a confessor, or to give testimony against another judges and prosecutors. - Diagnosed with “major depression”. - Judgement of an unauthorized Judgeship Court of Peace on 27 January 2017 to held the applicant in pre-trial detention for 9 months.
34	Mrs. Tevrat Tezin	Staff in Sürat Courier Company	<ul style="list-style-type: none"> - Arrested on 14 February 2017 and kept in custody until 23 February 2017. - Released on bail on 23 February 2017. 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. - Grounds: bank Asya account. - Judged and acquitted on 11 June 2019 	<ul style="list-style-type: none"> - No arrest warrant presented, but, at the police station, was told that there was one against her. - House search conducted in her absence (search warrant not shown) -Not informed of the reasons for his arrest - No reasonable suspicion of a crime and to convince an objective observer -Not informed of the charges until 23 February 2017. - No concrete facts in AW or detention order - Indictment in November 2018. - Arrest without reasonable suspicion of a

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
					crime and to convince an objective observer. - Forced to become a confessor.
35	Mrs. Ayşe Topçu	Teacher	- Arrested 28 August 2018. - Detained since 5 September 2018.	- Charges: Alleged member of FETÖ terrorist organisation. - Grounds: Working in the schools and other institutions allegedly affiliated with the Gülen Movement, having a bank account in Bank Asya, using “Bylock”, testimonials of several confessors and witnesses. - Sentenced on 8 July 2019 to 7 years and 6 months. The judgement has been waiting before the Supreme Court and she is still in jail.	- House searched (9 hours) - Kept for eight days in custody. - Unofficially daily questioning - Exposed to ill-treatment and psychological torture. -Threatened to have her children taken away from her. - Child stayed with her for 5 days.
36	Mr. Erdinç Tutu	Police officer	- Arrested on 30 July 2016 - Placed in detention on 2 August 2016 (detained for 7 days, then released pending trial.	- Charges: Alleged member of FETÖ terrorist organisation, insulting head of state, making comments on the attempted coup. - Grounds: Creation of a WhatsApp group where he discussed and commented with friends the aftermath of the attempted coup.	- No arrest warrant presented - House search (warrant not shown, but the police said there was one) - Not informed of the reasons for his arrest. - No reasonable suspicion of a crime and to convince an objective observer. - Kept in inhumane conditions for the first five days without any procedures and no right to see a lawyer.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
37	Mr. Yahya Uludag	Police Officer	-Placed in detention on 19 April 2017, released on 25 April 2017 (6 days later)	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. -Grounds: Using the By-Lock application and for allegedly running away when the police came to his house. - After the release, no travel allowed. 	<ul style="list-style-type: none"> - Arrest warrant. - Not informed of the reasons for his arrest. - Arrested despite no reasonable suspicion of a crime and to convince an objective observer
38	Mr. Ali Ünal	Journalist and writer	<ul style="list-style-type: none"> - Arrested on 11 August 2016 (held in custody until 15 August 2016 - Detained on 16 August up to present time 	<ul style="list-style-type: none"> - Charges: Establishing and leading terrorist origination (FETÖ) under art. 314 of the PC - Grounds: Working as a columnist at the daily Zaman, attending a program aired on Samanyolu TV, giving an interview to Bugün TV in front of the Istanbul Courthouse concerning the executives of the media outlets against whom legal proceedings were launched and writing two books, namely "Hizmet Rehberi" (Guide for Service, Şahdamar Publishing House, 2014), and "M. Fetullah Gülen: Bir Portre Denemesi" (M. Fetullah Gülen: An Essay of Portrait, Nil Publishing House, 2002) - Sentenced to 19 years and six months in on 14 November 2018. -Appeal rejected, case before the Supreme Court of Justice. 	<ul style="list-style-type: none"> - No arrest warrant presented. - House search and phone + money belonging to his daughter seized. - No reasonable suspicion of a crime and to convince an objective observer. - No concrete facts in arrest and detention orders. - Solitary confinement for 2 months. without any Court decision.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
39	Mrs. Fatma Urunga	Food engineer	<ul style="list-style-type: none"> - Arrested on 19 December 2016 and released the same day under judicial control. -Arrested on 2 May 2019 and sent to prison. -Detained on 6 May 2019. -Released on 9 April 2020 under judicial control . 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. -Grounds: She worked at Yıldız Eğitim A.Ş., allegedly affiliated with the Hizmet Movement, member of Yedi Renk Education and Culture Association, sent her children to schools affiliated with the Hizmet Movement, Bank Asya account, use of ByLock application. - Sentenced on 12 October 2018 to 9 years of imprisonment (went into hiding following the sentence). 	<ul style="list-style-type: none"> - Lawyer was assigned and pressured her to be an informant. - Constantly insulted from police officers - Stayed in an extremely crowded room - Pregnant of eight months and a half when taken into custody (she suffered from constant pain). - Her child stayed with her while in prison.
40	Mrs. Elif Uzun	Teacher in a private school	<ul style="list-style-type: none"> - Arrested on 20 April 2018, then released. - arrested again on 3 May 2018, until 4 July 2018, released on bail 	<ul style="list-style-type: none"> - Charges: Alleged member of FETÖ terrorist organisation. - Grounds: user of By-lock application, having bank account in Bank Asya, working in Gulen-affiliated institution. - Sentenced with 6 years and 3 months of prison, case pending before the Court of Cassation. 	<ul style="list-style-type: none"> - No arrest warrant presented. - Held for seven days in custody. - Her husband is also imprisoned on the same grounds. - Arrested without reasonable suspicion of a crime. - Kept the first five days in inhuman conditions. - Has a small child depending on her.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
41	Mrs. Selda Devrim Yildirim	Judge	-Arrested on 16 July 2016 -Released on bail after interrogation on 20 July 2020 and ban to leave the country	- Charges: Accused of overthrowing the constitutional order and of being member of terrorist organization - Grounds: being married to Süleyman Yıldırım which was arrested for the possession of a Gülen affiliated journal, the possession of a book published by Gülen and the possession of one dolar bill. - Deprived of her liberty due to her relationship with her husband	- No arrest warrant - House searched without search warrant -Not informed of the reasons for his arrest - No reasonable suspicion of a crime and to convince an objective observer - freeze of Bank account & property seized -Dismissed without any investigation and without giving chance of defending herself -Not allowed to work in the public sector & was subjected to discrimination due to the fact that she was dismissed with the decree with the force of law.
42	Mr. Mehmet Yilmaz	Businessman	- Arrested on 29 July 2016 and placed in detention on 8 August 2016	- Charges: Alleged member of a terrorist organisation under art. 314(2) of PC and art. 5(1) of Turkish Anti-Terror Law for member-ship in a terror organization. - Grounds: Bank account at Bank Asya, student at a Gülen affiliated college, member of Gülen affiliated Associations, member of Trade union, by making donations to charity organizations, organizing fundraising for students in need, sharing or retweeting Gülen related social media account, subscribing to Gülen affiliated newspaper, journal or magazine, sending his children to Gülen inspired schools, work for closed Gülen Movement affiliated institutions.	- No arrest or search warrant. - Not informed of the reasons for the arrest - No lawyer during questioning. Then no possibility of a private conversation with a lawyer. - Detained despite lack of indictment. - Forced to sign document stating that he had enough time to prepare his defence and that all information were given through his free will.

	Name	Profession /Activity	Date of arrest - in detention or released	reasons for the arrest; charges; judgement; sentence	Allegations
43	Mr. Nasih Yilmaz	Doctor	<ul style="list-style-type: none"> - Arrested on 3 June 2018 (held in custody until 11 June 2018) - Detained from 13 June 2018 until 27 June 2018, released on bail with a ban to leave the country 	<ul style="list-style-type: none"> - Charges: alleged member of the FETÖ Terrorist organization. - Grounds: Training student to make them members of Gülen Movement, staying at the houses of Gülen movement, use of ByLock application. - He was judged on the ground of being member of terrorist organization but not sentenced. 	<ul style="list-style-type: none"> - No arrest warrant presented at the time of the arrest. - Electronic devices confiscated. - Not informed of the reasons for his arrest. - No lawyer during questioning with the police. - No reasonable suspicion of a crime and to convince an objective observer. - No concrete facts in arrest and detention orders. - For about six months, the right to legal assistance was violated then, lawyer visits, but not private and recorded.