



Betrayal of Justice: The Unlawful Persecution of the Gülen Movement in Turkey

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Introduction

This report aims to provide a detailed analysis of the investigations carried out against the Gülen movement and to illustrate how these investigations violate the principles of rule of law and due process. The report will focus on a specific case study to demonstrate the flaws and irregularities in the investigation process, which resulted in numerous violations of human rights and arbitrary detentions. By analyzing the case study, this report will shed light on the various ways in which the investigations against the Gülen movement have been used to target innocent individuals, restrict freedom of expression and assembly, and undermine the principles of justice and fairness. Through this analysis, the report aims to provide a critical evaluation of the Gülen movement investigations and to highlight the urgent need for reforms to ensure that the rights of all individuals are protected and respected under the law.

Overview of The Situation in Turkey and The Crackdown on The Gülen Movement

For the past seven years, Turkey has been in the midst of a sweeping crackdown on the Gülen movement, a social and religious movement led by the US-based cleric Fethullah Gülen. Since the failed coup in July 2016, the Turkish government has declared a state of emergency, which lasted for two years, and used it as a pretext to carry out a massive purge of alleged Gülenists from all sectors of society, including the military, judiciary, education, media, and civil service.¹ Tens of thousands of people were arrested² or dismissed from their jobs, and their assets were confiscated. The crackdown also targeted Gülen movement-affiliated businesses, charities, and media outlets, leading to the closure of hundreds of companies and organizations and the imprisonment of many journalists.

The Turkish government's campaign against the Gülen movement has been widely criticized by human rights organizations, journalists, and scholars, that argue that it is a pretext for cracking down on dissent and consolidating power.³ Many of those who have been targeted by the crackdown have no direct links to the Gülen movement and are being punished solely for their political views or affiliations.

The situation in Turkey remains deeply concerning, with continued reports of human rights abuses, including torture, arbitrary detention, and restrictions on freedom of expression and association.⁴ In this context, the crackdown on the Gülen movement must be seen as part of a wider pattern of repression and disregard for basic human rights.

Edirne Case: Unlawful Operation and Detention of Individuals

On March 10, 2023, the Edirne terror police carried out an operation as part of a widespread crackdown on the Gülen movement in Turkey. The operation resulted in the detention and

¹ <https://ihd.org.tr/en/new-ihd-report-emergency-decree-laws-and-their-impact-on-human-rights-in-turkey/>

² In a statement made in July 2022, Minister of Interior Soylu announced that 332,884 people were detained between 15 July 2016 and 20 June 2022. <https://www.aa.com.tr/tr/gundem/icisleri-bakani-soylu-cezaevlerinde-halen-19-bin-252-feto-tutuklusu-ve-hukumusu-var/2630701>

³ https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf

⁴ <https://www.hrw.org/world-report/2022/country-chapters/turkey>

arrest of numerous individuals. According to a report published in the pro-government Sabah newspaper, the Edirne police organized an operation at eight locations, during which they conducted searches and seized various items. Specifically, the report stated that the police seized 30,795 Turkish Liras, 1,860 euros, 3,250 US dollars, 2 ancestors, 2 halves, 11 quarters and 5 grams of gold.⁵ However, it should be noted that the amounts of money seized are trivial, and it is legally inappropriate to use money belonging to individuals as evidence of their involvement in terrorist activities.

In this particular operation, the authorities used the relations and money transfers of individuals with people they meet in their social lives as evidence of their alleged membership in a terrorist organization.

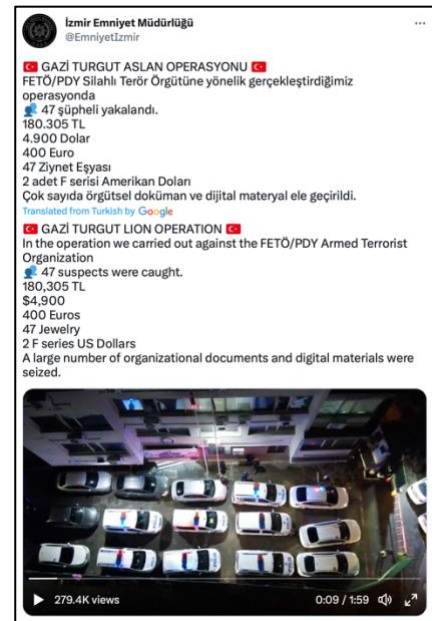
Furthermore, individuals who have expressed their support for the unjustly imprisoned relatives of alleged Gülen movement members are being targeted, which only increases the pressure on members of the movement.

Izmir Case: Another Unlawful Operation

As this report was being prepared, on March 17, 2023, another operation targeting the Gülen movement took place in Izmir. The operation was called "Gazi Turgut Aslan Operations" by the Izmir Police. Turgut Aslan is a pro-government police chief who was injured during the failed coup attempt in 2016. The naming of the operation indicates that the police acted out of revenge rather than a commitment to the rule of law.

During the operation, 40 houses were raided, and 47 people were detained. The Izmir Police claimed to have seized 180,305 liras, 400 euros, 4,900 dollars, 47 pieces of jewelry, and two "F" series 1 US dollars during the searches conducted at the addresses.⁶ However, the money and valuables allegedly seized from the 47 individuals cannot serve as evidence for terrorism charges, and the amounts are significantly small. Furthermore, the "F" series 1 dollar bills bear the first letter of the name of Fethullah Gülen, the leader of the Gülen movement. It is important to note that those in possession of this type of money are subject to absurd terrorism charges in Turkey. The use of the "F" series \$1 bills as evidence of membership in a terrorist organization is preposterous.

It is also worth mentioning that when the Izmir Police announced the operation on their official Twitter account, they did so accompanied by a video that featured the Plevne March as background music.⁷ The Plevne March is a folk song popular among nationalist circles in Turkey that glorifies Osman Pasha, the commander of Ottoman troops during the defense of Plevne. The use of this anthem, which contains nationalist and historical references, is



⁵ <https://www.sabah.com.tr/yasam/fetonun-guncel-finans-yapilanmasi-operasyonunda-7-gozalti-6398471>

⁶ <https://www.aa.com.tr/tr/gundem/izmir-merkezli-feto-operasyonunda-47-supheli-yakalandi/2849394>

⁷ <https://twitter.com/emniyetizmir/status/1637180400228245507>

significant in terms of showing the unlawful motivation of the police and the prevailing climate of fear and hatred against the Gülen movement in Turkey.

This operation is yet another example of the Turkish government's systematic violations of human rights and the rule of law in its relentless pursuit of individuals associated with the Gülen movement.

Interrogation Questions in Edirne Operation: Categorization and Analysis of The Questions Asked During the Interrogation of The Detained Individual

During the interrogation of the detained individual, a range of questions were asked by the authorities, which can be categorized into several distinct groups. These questions are highly concerning, as they reveal a clear attempt to gather information that is not relevant to any terrorism investigation, but is instead aimed at targeting individuals who are associated with the Gülen movement.

ŞÜPHELİ İFADE TUTANAĞI (CMK 147, Madde)	
İFADEİN ALINDIĞI YER	: Terörle Mücadele Şube Müdürlüğü
SOR. CUMHURİYET BAŞSAVCILIĞI	: Edirne Cumhuriyet Başsavcılığı
SORUŞTURMA NO	: 2022/6376
İFADEİN BAŞLAMA TARİHİ VE SAATİ	: 10.03.2023
SUÇUN NEVİ	: FETÖ/PDY Terör Örgütü Üyesi Olmak - Terörizmin Finansmanının Önlenmesine Dair Kanuna Muhalefet
İFADE VERMEDE MÜDAFİN DURUMU:	: Hazır (X) Değil ()

ŞÜPHELİ İFADE TUTANAĞI	
T.C. KİMLİK NO	: [REDACTED]
ADI VE SOYADI	: [REDACTED]
BABA ADI	: [REDACTED]
ANA ADI	: [REDACTED]
DOĞUM YERİ VE TARİHİ	: [REDACTED]
NÜFUS KAYITLI OLDUĞU YER	: [REDACTED]
MEDENİ HALLİ, ÇOCUK SAYISI	: [REDACTED]
UYRULUĞU	: T.C.

İFADE VERENİN BEYANINA GÖRE	
EĞİTİM DURUMU	: [REDACTED]
SABİKA DURUMU	: [REDACTED]
İKAMET ADRESİ	: [REDACTED]
MESLEĞİ VE GELİR DURUMU	: [REDACTED]
TELEFON NUMARASI	: [REDACTED]

The first page of the statement of the alleged suspect.

The summaries of the questions asked during the interrogation:

1. **Q.1.** The question asks for a brief description of the individual's family structure and background.
2. **Q.2.** The question asks for information on the GSM lines the individual has used, including date ranges.
3. **Q.3.** The question asks if the individual or anyone in his family has been subjected to judicial or administrative proceedings within the scope of the Gülen movement.
4. **Q.4.** The question asks if the individual has been involved in the current structure of the Gülen movement.
5. **Q.5, Q.8, Q.11 and Q.13.** The questions ask if the individual knows some certain people, and if so, how and where they met.
6. **Q.6.** The question asks the individual to give a statement about being observed giving a black bag of money to an unknown person on the street, and accuses the suspect of acting as a courier for the Gülen movement by distributing money to the families of its members.
7. **Q.7.** The question states that a surveillance report dated 05.01.2023 shows that the individual made a transaction at a foreign exchange office in Istanbul Aksaray and later met with a female person in Fatih Park, where they exchanged a bag containing paper money. The report suggests that the money was intended for distribution to the families and relatives of members of the Gülen movement. The individual is asked to provide his statement on these matters.
8. **Q.9.** The question asks for a statement regarding a physical surveillance report dated 22.12.2022, which states that the individual met with two people, including one who was found to be a member of the Gülen movement and was subsequently arrested.
9. **Q.10.** The question asks if the individual uses GSM line [phone number].
10. **Q.12.** This question is asking for a statement regarding a base detection report from December 2022 which shows that the individual had multiple common bases with another person who is evaluated to be operating as a courier in the Gülen movement.
11. **Q.14.** The question asks for a statement regarding the base detection report dated 13.12.2022, which summarizes that the individual had a common base with another person evaluated to be active as a courier in the current structure of the Gülen movement, for a total of 81 times between

21.07.2022 and 05.12.2022, but he did not establish contact with the other person over GSM lines and did not have any phone numbers in common.

12. **Q.15.** The question asks for a statement regarding a base detection report dated 13.12.2022, which shows that the individual had a common base with a suspect involved with the Gülen movement 51 times, but did not communicate with them over GSM lines.
13. **Q.16.** The question asks about the seizure of some money (10.000 TL, 1950 dollars, 770 euros) and digital materials during a search conducted, and asks the individual about the source of the money and why it was placed in various places in his residence.
14. **Q.17.** The question asks for a statement from the individual regarding the use of the "Signal" application on his iPhone 11 and the contacts and messages related to the activities of the Gülen movement.
15. **Q.18.** The question asks about the individual's contact with a person named [Name and Phone Number] via WhatsApp application, including their relationship.
16. **Q.19.** The question asks about the individual's contact with a Greece lawyer named [Name and Phone Number] via WhatsApp application, including their relationship.
17. **Q.20, Q.21, Q.22, Q.24, Q.25, Q.26, Q.27, Q.28, Q.30, and Q.31.** The questions ask about the individual's contact with some through the Signal application, including their relationship.
18. **Q.23.** The question addresses a contradiction in the statement given by the individual regarding not knowing another person, and evidence found on the Signal application indicating that the individual had contact with that person through his user account.
19. **Q.29.** The question asks for the individual's statement about the documents in the note-to-self folder in the Signal application.
20. **Q.32.** The individual is asked about his statement on the handwritten report found on page 83 of the expert examination report related to his iPhone 11, but he mentions that the money and personal information might be related to his workplace, and he doesn't have clear information about the content.
21. **Q.33.** The question asks about a handwritten text found on page 85 of the expert examination report of an iPhone 11, and the individual being questioned responds that it may be related to price research for buying a house or car.
22. **Q.34.** The question asks for a statement about a handwritten document found during the examination of the iPhone 11, to which the answer states that the writing does not belong to the individual and he does not remember what it was about.
23. **Q.35.** The question asks for a statement regarding the receipt shown during the examination of the iPhone 11 mobile phone obtained from the individual's home. The individual recognizes a person from Kandira prison and states that he owed him money and sent the money to his son.

The categories of questions asked during the interrogation include:

- **Personal information:** The authorities asked for personal information such as the individual's name, age, and occupation. While this information may be relevant to an investigation in some circumstances, in this case, it appears to have been used as a way to intimidate and harass the individual.
- **Contact with other individuals:** The authorities also asked about the individual's contact with other individuals, including their personal information and relationships with them. This type of questioning is particularly concerning, as it suggests that the authorities are attempting to gather information on the individual's social and personal relationships.
- **Financial transactions:** Questions were asked about the individual's financial transactions and money transfers. Again, this type of questioning appears to be irrelevant to any terrorism investigation and is instead being used to target individuals who are associated with the Gülen movement.
- **Electronic devices and digital documents:** The authorities asked about electronic devices and digital documents found during the search. This type of questioning is particularly concerning, as

it suggests that the authorities are attempting to gather information on the individual's digital activities and communications.

- **Alleged involvement in the Gülen movement or terrorist activities:** The authorities also asked about the individual's alleged involvement in the Gülen movement or terrorist activities. This type of questioning is highly problematic, as it suggests that the authorities are targeting individuals based on their political or ideological beliefs.
- **Alleged involvement of others in the Gülen movement or terrorist activities:** Questions were asked about other individuals' alleged involvement in the Gülen movement or terrorist activities, and the individual's relationship with them. This type of questioning is particularly concerning, as it suggests that the authorities are attempting to create guilt by association, rather than gathering evidence of any specific wrongdoing.
- **Political views and affiliations:** The authorities also asked about the individual's political views and affiliations. This type of questioning is highly problematic, as it suggests that the authorities are targeting individuals based on their political beliefs, rather than gathering evidence of any specific wrongdoing.
- **Messaging apps and contacts:** The authorities asked about the individual's contacts and the content of messages exchanged with certain contacts on the individual's WhatsApp or Signal accounts. This type of questioning is particularly concerning, as it suggests that the authorities are attempting to gather information on the individual's private communications and social relationships.

All of the above categories of questioning are irrelevant to any terrorism investigation and are instead being used to target individuals who are associated with the Gülen movement. Such questioning is a violation of the basic human rights of the individuals involved, including their right to privacy and freedom of association. The use of such tactics in investigations is deeply concerning and calls into question the integrity and legitimacy of the Turkish criminal justice system.

Evaluation of Interrogation Questions:

The following section provides an analysis of the 35 questions asked during the interrogation of the detained individual.⁸

▪ **Q.1. Briefly describe your family structure and background.**

It is concerning that the police are asking about the family structure and background of the alleged suspect in the context of a terrorism investigation. This question does not appear to be relevant to establishing the alleged suspect's involvement in a terrorist organization.

Moreover, asking about a suspect's family structure and background may constitute a violation of their right to privacy. The right to privacy is protected under international human rights law, including Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence." Unless the family structure and background are directly relevant to the investigation, asking such questions may be seen as an arbitrary interference with the suspect's privacy rights. Asking about a suspect's family structure and background may also constitute a violation of Article 8 of the European Convention on Human Rights (ECHR), which protects the right to respect for private and family life.

⁸ **Note:** The original questions are in Turkish and have been translated into English using a free translation tool. As a result, there may be some discrepancies in the wording and meaning of the questions.

In addition, this question may be used to target individuals who are perceived to have connections to the Gülen movement based on their family background or social circles. This could result in discriminatory treatment based on one's social or familial ties, which would be a violation of the right to non-discrimination.

▪ **Q.2. Can you tell me the GSM lines you have used so far, with date ranges?**

Asking about the specific GSM lines that the suspect has used, along with the dates of use, suggests that the authorities are conducting surveillance of the suspect's communication activities. This may indicate a violation of the suspect's right to privacy, which includes the right to communicate confidentially. The right to privacy is protected under international human rights law, including Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence." This questioning about the specific GSM lines that the suspect has used and the dates of use may constitute also a violation of Article 8 of the European Convention on Human Rights (ECHR), which guarantees the right to respect for private and family life, home, and correspondence. The ECHR has been interpreted to include the right to communicate confidentially, and any interference with this right must be necessary, proportionate, and in accordance with the law.

Furthermore, this question does not seem to be relevant to establishing the suspect's involvement in a terrorist organization. While the authorities may have legitimate reasons to monitor communication activities in certain cases, such as to prevent or investigate a crime, they must do so in accordance with the law and with respect for the right to privacy.

▪ **Q.3. Have you ever been subjected to judicial or administrative proceedings within the scope of FETÖ/PDY?⁹ Has anyone in your family been subjected to judicial proceedings in the scope of FETÖ/PDY?**

Asking about whether the suspect or their family members have been subjected to judicial or administrative proceedings within the scope of FETÖ/PDY (the Gülen movement) suggests that the authorities may be targeting individuals based on their perceived associations or connections with this group. This could result in discriminatory treatment based on one's social or familial ties, which would be a violation of the right to non-discrimination. Asking about a suspect's or their family members' potential association with a particular group, such as the Gülen movement, could lead to discrimination based on social or familial ties, and therefore would also be a violation of the right to non-discrimination under Article 14 of the ECHR.

Furthermore, the question appears to be overly broad and may not be directly relevant to establishing the suspect's involvement in a terrorist organization. The fact that an individual or their family members have been subject to judicial or administrative proceedings does not necessarily indicate that they have committed a crime or are involved in a terrorist organization.

It is essential that any investigation into alleged terrorism-related activities is conducted in accordance with international human rights standards, including the right to non-discrimination. Suspects should be treated fairly and without discrimination, regardless of their background or

⁹ FETÖ/PDY stands for "Fethullahist Terrorist Organization/Parallel State Structure", which refers to a social and religious movement led by Turkish Islamic preacher Fethullah Gülen. The Turkish government has accused the movement of attempting to overthrow the government and declared it a terrorist organization, despite criticism from both domestic and international circles. However, this designation is not universally accepted, and the crackdown on the movement has been widely condemned by international organizations and human rights groups as a violation of freedom of expression, association, and the right to a fair trial.

perceived associations. Any restrictions on human rights must be necessary, proportionate, and prescribed by law.

- **Q.4. Have you been involved in the current and illegal structure of the FETO/PDY armed terrorist organization?**

Asking the suspect whether they have been involved in the illegal structure of the FETO/PDY armed terrorist organization assumes their guilt and could be seen as a violation of the principle of presumption of innocence. The right to be presumed innocent until proven guilty is protected under international human rights law, including Article 14(2) of the ICCPR, which states that “everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.” The question of assuming guilt could potentially violate the right to a fair trial under Article 6 of the ECHR, which includes the right to be presumed innocent until proven guilty, as well as the right to an impartial and independent tribunal.

Furthermore, the question appears to be vague and does not provide the suspect with clear information about the specific activities or behaviors that are being investigated. This could result in confusion and uncertainty for the suspect and may make it difficult for them to adequately defend themselves against any charges.

It is essential that any investigation into alleged terrorism-related activities is conducted in accordance with international human rights standards, including the principle of presumption of innocence. Suspects should be treated fairly and afforded due process, including the right to be informed of the specific charges against them, the right to access legal counsel, and the right to a fair and impartial trial.

- **Q.5, Q.8, Q.11 and Q.13. Do you know a person named [name]? If so, how and where did you meet?**

This question alone cannot be the basis for a terrorism accusation as it does not provide any evidence or justification for the suspicion of terrorist activities. Knowing someone with a certain name does not automatically make someone a terrorist or a member of a terrorist organization.

Additionally, the question appears to be overly broad and does not provide the suspect with clear information about the specific activities or behaviors that are being investigated. This could result in confusion and uncertainty for the suspect and may make it difficult for them to adequately defend themselves against any charges.

Asking the suspect about their knowledge of a specific person and how they met is an attempt to establish guilt by association. This could result in the targeting of individuals based on their social or professional connections rather than on actual evidence of their involvement in a terrorist organization. This would be a violation of the principle of non-discrimination and the right to a fair trial. Article 6 guarantees the right to a fair trial, including the right to be presumed innocent until proven guilty and the right to a defense. Article 14 prohibits discrimination in the enjoyment of the rights and freedoms guaranteed by the ECHR, including the right to a fair trial.

In international terms, this question may constitute a violation of the right to privacy as it asks the alleged suspect to reveal personal information about their relationships and acquaintances without any legitimate reason or justification. It may also constitute a violation of the right to freedom of association as it implies that simply knowing someone who is suspected of being involved in terrorist activities may lead to criminal prosecution.

- **Q.6. Asked in summary, in the follow-up and surveillance report dated 02.11.2022 within the scope of CMK 135 and CMK 140 decisions taken about you within the scope of the file numbered**

2022/6376 of the Edirne Chief Public Prosecutor's Office; "file suspect [name], who is a suspect in the case and resides in the province of Edirne, on the ring road in the Ortamahalle neighborhood of Bayrampaşa district in the province of Istanbul, it has been determined that after walking on the street for a while, you checked your surroundings and then gave the black colored bag containing money to [name] and left each other". In these determinations, it has been determined that you acted as a courier in the new structure of the FETO/PDY armed terrorist organization by complying with the secrecy and organizational measures. It has been evaluated that you gave the money to [name], whom you stated above that you do not know, to be distributed to the families and relatives of members of the organization. 02.11.2022 dated physical surveillance and surveillance report were shown to you. Please give your statement in line with all these issues.

The statement suggests that the alleged suspect was observed handing over a bag of money to someone identified as [NAME], whom the alleged suspect claimed not to know. The statement also accuses the alleged suspect of acting as a courier for the FETÖ/PDY armed terrorist organization and distributing money to the families and relatives of members of the organization.

It is important to note that these accusations are based on the alleged surveillance report and have not been proven in court yet. In international human rights law, individuals are presumed innocent until proven guilty. Therefore, it is essential to ensure that any evidence presented against the alleged suspect is reliable and collected in a manner consistent with international human rights standards. Moreover, it is necessary to ensure that the alleged suspect has the right to a fair trial and the right to defense counsel. Any violation of these rights can constitute a breach of international human rights law.

On the other hand, the statement suggests that the alleged suspect was observed handing over a bag to someone identified as [NAME], whom the alleged suspect claimed not to know. It is not clear from the question whether there was money in the bag, the amount of the money, or the purpose of the exchange.

- **Q.7. Asked within the scope of CMK135 (Code of Criminal Procedure Article 135) and CMK140 decisions taken about you within the scope of the file numbered 2022/6376 of the Edirne Republic Attorney General's Office; 05.01.2023 dated physical surveillance and surveillance report summarizes; it has been determined that "you made transactions at the foreign exchange office located in Istanbul Aksaray". In the ongoing determinations about you, in summary in the video review report dated 25.01.2023; "File suspect [name] came to the Fatih Park located in the Ortamahalle of Bayrampasa district of Istanbul province on 07.01.2023 at around 09.10, checked his surroundings and made suspicious movements and left the park at around 09.20. 20, on the same day around 09.36, you came to Fatih Park, exhibited uneasy movements in the park and headed in the direction of [name]'s direction of travel, then suddenly changed your decision and went in the opposite direction, on the same day around 13.50, you re-entered the Fatih Park, checked the people sitting on the benches in the park against a possible pursuit, 14. 10, you met with a female person who came to the park and took out a bag from your jacket and gave it to the female person, which was evaluated to contain paper money in terms of its shape and size, and the female person gave you the bag she had with her, and then you left the park". In these determinations, 05.01.2023, after making a transaction at the foreign exchange office, you wanted to give the money in question to [name], who is considered to be operating as a courier in the new structure of the FETÖ/PDY armed terrorist organization, by complying with the secrecy and organizational measures, however, when [name] suspected that he was being followed, he did not stay in the park, therefore it was evaluated that you gave the money you had with you to the female person in the park to be distributed to the families and relatives of the members of the organization. 05.01.2023 dated physical surveillance and surveillance report and 25.01.2023 dated video surveillance report were shown to you. Please give your statement in line with all these matters.**

This question appears to be based on observations made during surveillance of the alleged suspect. However, it is important to note that the observations themselves do not necessarily provide evidence of terrorist activity or membership in a terrorist organization.

Furthermore, the question seems to be based on assumptions and speculation about the alleged suspect's actions and motivations rather than concrete evidence. The fact that the alleged suspect visited a park and interacted with a female person does not necessarily mean that they were engaged in terrorist activity or providing support to a terrorist organization.

In international terms, such questions and investigations based on assumptions and speculation may constitute violations of the alleged suspect's right to a fair trial, as well as their right to privacy and freedom of association.

- **Q.9. Asked: Within the scope of CMK135 (Code of Criminal Procedure Article 135) and CMK140 decisions taken against you within the scope of the file numbered 2022/6376 of the Edirne Republic Attorney General's Office; in the physical surveillance report dated 22.12.2022, in summary; it was determined that "you met with the persons named [name] and [name] at the restaurant named Kübban Güneşli operating at the address No: 2, Gamsız Sokak No: 2, Bağlar Neighborhood, Bağcılar District, Istanbul Province". In the investigations made about the person named [name]; it was understood that the person was active at a responsible level within the FETÖ/PDY armed terrorist organization and was convicted with a sentence of 6 years and 3 months, and that he was captured on 02.03.2023 and delivered to prison. 22.12.2022 dated physical surveillance report has been shown to you. Please give your statement in line with all these issues.**

The question asked to the alleged suspect raises several concerns about the investigation and the evidence being used against them. Firstly, meeting with individuals who are associated with the Gülen movement should not automatically be grounds for a terrorism accusation, as mere association or sympathy with a group does not necessarily equate to membership or support of a terrorist organization. Furthermore, the fact that the physical surveillance report is being used as evidence raises concerns about the legality of the surveillance itself and the potential violation of the suspect's right to privacy.

In international terms, these types of accusations and evidence should be monitored to rigorous scrutiny. They should not be used to deprive individuals of their fundamental human rights, including the right to a fair trial, the right to be presumed innocent until proven guilty, and the right to freedom of association and expression. The use of such evidence can also contribute to a climate of fear and self-censorship, which undermines the principles of democracy and the rule of law.

- **Q.10. Asked: Do you use GSM line [phone number]?**

This question appears to be a general inquiry about the alleged suspect's phone usage and does not necessarily pertain to any specific criminal activity. However, the fact that it is included in the list of questions for someone accused of terrorism raises concerns about the investigation's scope and potential violations of privacy rights. The mere fact of using a specific phone number does not automatically implicate someone in terrorism, and it is important to ensure that any evidence obtained through surveillance or other means is gathered lawfully and with appropriate oversight. Moreover, the use of surveillance measures must be proportionate and necessary, and should not infringe upon the individual's right to privacy under international human rights law.

- **Q.12. Asked: within the scope of the file numbered 2022/6376 of the Edirne Chief Public Prosecutor's Office, on your and the suspect [name]'s HTS records obtained from the BTK, a base**

call dated 13.12.2022, which was made between 01.01.2021 and 05.12.2022. 2022 dated base detection report summarizes; “the person named [name], whom you stated above that you do not know, who is evaluated to be operating as a courier in the new structure of the FETÖ/PDY armed terrorist organization with the GSM line numbered [phone number], which he used, the lines numbered [phone number] and [phone number] registered in your name, which you were found to use as an operational line, gave a common base a total of 200 times, first time 29.09.2021, then 2 times in a periodic period of 3 months each and in the following meetings in monthly periods in a certain order; your last common base was on 13.07.2022, you did not communicate with [name] over GSM lines and you do not have any phone numbers in common”. In these determinations, it has been evaluated that you met with [name], who is evaluated to be operating as a courier in the new structure of the FETÖ/PDY armed terrorist organization by complying with the secrecy and organizational measures. The base detection report dated 13.12.2022 was shown to you. Please give your statement in line with all these issues.

This question is problematic for several reasons. The mere fact that two people had common phone activity does not prove that they are involved in any illegal activity or terrorism-related activities. Such data can easily be misinterpreted and used to support unfounded accusations. Moreover, the question seems to suggest that using certain phone numbers or having common phone activity with a person associated with the Gülen movement is evidence of membership in a terrorist organization, which is not supported by any legal or factual basis.

- **Q.14. Asked: In summary in the base detection report dated 13.12.2022 made between 01.01.2021 and 05.12.2022 on your and suspect [name]’s HTS records (historical traffic search) obtained from BTK (Information and Communication Technologies Authority) within the scope of the file numbered 2022/6376 of Edirne Republic Prosecutor’s Office; “the GSM line numbered [phone number] used by the person named [name], who is evaluated to be active as a courier in the current structuring of the FETÖ/PDY armed terrorist organization, and the lines numbered [phone number] and [phone number] registered in your name, which you were found to use as an operational line, gave a common base 81 times in total, for the first time on 21.07.2022, that is, 1 day after [name] flew to Greece, you gave a common base in the province of Istanbul, but you did not establish contact with [name] over GSM lines and you did not have any phone numbers with common contact”. In these determinations, it has been evaluated that you met with [name], who is evaluated to be operating as a courier in the new structure of the FETÖ/PDY armed terrorist organization, by complying with the secrecy and organizational measures. The base detection report dated 13.12.2022 was shown to you. Please give your statement in line with all these issues.**

This question seems to be based on the assumption that simply having phone numbers that give a common base with another person’s phone number is evidence of meeting with that person, and that meeting with someone who is evaluated to be active in the Gülen movement is evidence of membership in a terrorist organization. However, this assumption is not supported by any credible evidence or legal basis.

In international human rights law, a person cannot be considered a member of a terrorist organization solely on the basis of their association with a particular group unless there is clear and convincing evidence that they have committed or planned to commit terrorist acts. Likewise, the mere fact of having contact or meeting with someone who is suspected or accused of being involved in a terrorist organization is not sufficient to establish guilt or membership in that organization.

Moreover, the use of historical traffic search records obtained from the BTK without a warrant or legal basis, and the assumption that a common base between phone numbers is evidence of meeting with someone, may constitute violations of the suspect’s right to privacy and due process.

- **Q.15. Asked: In summary in the base detection report dated 13.12.2022 made between 01.01.2021 and 05.12.2022 on your and suspect [name]'s HTS records obtained from BTK within the scope of the file numbered 2022/6376 of Edirne Republic Prosecutor's Office; "the GSM line numbered [phone number] used by the person named [name], who is evaluated to be active as a courier in the current structure of the FETÖ/PDY armed terrorist organization, and the lines numbered [phone number] and [phone number] registered in your name, which you were determined to use as an operational line, gave a common base a total of 51 times, for the first time with [name], with whom you did not have a common base before 10.09.2022 in Istanbul province, but you did not communicate with [name] over GSM lines, and you do not have any phone number with common contact". In these determinations, it has been evaluated that you met with [name], who is evaluated to be operating as a courier in the current structure of the FETÖ/PDY armed terrorist organization, by complying with the secrecy and organizational measures. The base detection report dated 13.12.2022 has been shown to you; please give your statement in line with all these issues.**

Again, this question seems to rely solely on call records and does not provide any concrete evidence of terrorism-related activities. The fact that two people's phones gave a common base does not necessarily mean they had any form of contact or connection, especially if they did not communicate over the phone. This line of questioning is also problematic because it suggests guilt by association, implying that simply being in contact with someone who is "evaluated to be active in the Gülen movement" is enough to justify accusations of terrorism. This violates the principle of presumption of innocence, which is a fundamental human right enshrined in international law.

- **Q.16. Asked: It is known from the investigations that the organization provides financial aid to its members in order to keep the organizational loyalty of its members alive and to prevent organizational collapse. On 07.03.2023, during the searches conducted with the relevant court order within the scope of the crime of being a member of the FETO/PDY armed terrorist organization and opposition to the Law on the Prevention of Terrorism Financing; a large amount of TL, foreign currency (10.000 TL, 1950 dollars, 770 euros) and a large number of digital materials were seized. From whom or from whom did you obtain the money in question? For what purpose did you place these coins in various places in your residence? Give your statement on these matters.**

This question raises several concerns regarding the presumption of innocence and the right to a fair trial. Firstly, the question assumes that the organization provides financial aid to its members to maintain their loyalty and prevent organizational collapse, without providing any evidence to support this claim. Secondly, the question implies that the money seized during the searches conducted on 07.03.2023 was obtained through illegal means, without providing any evidence to support this claim either.

Furthermore, asking a suspect to reveal the source of their funds without any evidence of wrongdoing violates the right against self-incrimination, which is recognized as a fundamental right in international law. Additionally, it is important to note that the mere possession of digital materials does not constitute evidence of criminal activity, and it is crucial that the police and prosecutors demonstrate a clear nexus between the seized materials and any alleged illegal activities. Asking a suspect to reveal the source of their funds without any evidence of wrongdoing also violates the right to a fair trial guaranteed by Article 6 of the ECHR, as it may lead to the presumption of guilt and undermine the presumption of innocence.

Overall, this question raises serious concerns regarding the presumption of innocence, the right to a fair trial, and the right against self-incrimination. Any investigation and prosecution must be based on concrete evidence and conducted in a manner consistent with international human rights standards.

- **Q.17. Asked: In the preliminary physical examinations made on the iPhone 11 mobile phone obtained at your home; it has been detected that the application named “Signal”, which has recently been used by the FETO/PDY terrorist organization for organizational communication purposes, was installed on the device, and at the same time, it has been determined that the messages on this application were created in relation to the activities of the FETO/PDY terrorist organization. Please give your statement regarding the contacts and messages that will be shown to you one by one.**

The question is asking the alleged suspect about the discovery of the Signal messaging application on their iPhone 11, which has been allegedly used by the Gülen Movement for organizational communication purposes. The question states that it has been determined that the messages on this application were created in relation to the activities of the Gülen Movement, implying that the suspect was using the application to communicate with other members of the organization about its activities.

The use of Signal alone is not enough evidence to support the accusation of terrorism, as the application is widely used by people and organizations all around the world for secure communication. Additionally, simply being a member of an organization or communicating with other members does not necessarily equate to involvement in terrorist activities.

In international terms, such questioning may violate the rights of the accused under the Universal Declaration of Human Rights and the European Convention on Human Rights which includes the right to a fair trial, the presumption of innocence, and the right to not be subjected to arbitrary detention or punishment.

- **Q.18. Asked: It was observed that you were in contact with a person named [Name and Phone Number] via WhatsApp application. Who is this person? What is your level of contact?**

The mere use of WhatsApp, without any additional evidence linking the individual to terrorist activities, cannot be the sole basis for terrorism charges. As WhatsApp is a widely used messaging application for personal and professional communication, it is not sufficient to assume that the mere presence of WhatsApp on an individual’s phone suggests their involvement in terrorism. There must be concrete evidence to suggest that the individual used WhatsApp to engage in terrorist activities or communicate with terrorist organizations. Therefore, the mere fact that an individual has been in contact with someone via WhatsApp does not necessarily mean that they are involved in terrorism or that they have committed any criminal offense. Further investigation and evidence are necessary to establish a link between the individual and terrorism.

- **Q.19. Asked: It has been seen that you are in contact with a person named [Name and Phone Number] Greece lawyer via WhatsApp application. Who is this person? What is your level of contact?**

This question also raises concerns about violations of the suspect’s rights. Contact with a lawyer, regardless of their location, is a fundamental right enshrined in international law. The mere fact that the suspect was in contact with a lawyer from Greece via WhatsApp does not indicate any illegal activity, and the police should not use this information as a basis for terrorism charges. In fact, attempting to intimidate or punish individuals for contacting a lawyer is a clear violation of their right to a fair trial and due process of law.

In any criminal investigation, including those related to terrorism, it is important to ensure that suspects are afforded basic human rights protections and that evidence is collected and used in accordance with the law. The use of arbitrary or unfounded accusations to detain and prosecute individuals undermines the integrity of the justice system and violates fundamental human rights.

- **Q.20, Q.21, Q.22. Q.24, Q.25, Q.26, Q.27, Q.28, Q.30, Q.31, Asked: It has been seen that you are in contact with a person named [Name and Phone Number] through the Signal application. Who is this person? What is your level of contact?**

Similar to the answer to the 17th question, the mere fact that the alleged suspect has been in contact with someone through the Signal application cannot be the sole basis for a terrorism accusation. Furthermore, the level of contact alone does not provide evidence of involvement in terrorist activities. The police must provide specific evidence of illegal activities or intent to commit illegal activities in order to justify the accusation of terrorism. The interrogation question is, therefore, not a valid basis for a terrorism accusation and may constitute a violation of the alleged suspect's right to privacy and freedom of association.

- **Q.23. Asked about the contradiction: you stated that you don't remember the person named [Name] you stated that you do not remember the person named [Name]. And that he might be in a foreign country. In the examinations made on the images of the materials belonging to other suspects seized within the scope of the investigation; on the signal application, the name [Name] the account holder with the number [Phone Number] is [Name] (it has been determined through user account information).**

The question is presenting an apparent contradiction regarding the alleged suspect's knowledge of a person, implying that he may be in contact with individuals he claims not to know. However, the question is creating ambiguity and potentially misrepresenting the situation. It is important to remember that the burden of proof lies with the prosecution, and a lack of clear evidence should not be used to create negative perceptions or assumptions about the alleged suspect. In international human rights law, the right to a fair trial and the presumption of innocence are essential principles that must be respected and upheld. Any violations of these principles could constitute a serious violation of human rights.

- **Q.29. Asked: What is your statement about the documents in the note-to-self folder in the signal application? (Answer to question 29: "They are texts that I read by myself.)**

It is important to note that the mere possession of personal notes or texts cannot be considered as evidence for terrorism or any other criminal activity. It is a basic human right to take notes and keep personal records, and it should not be used against individuals as a means of incrimination or persecution. Any attempt to use personal notes or texts as evidence in a criminal case without a clear and strong link to a specific illegal activity is a violation of the right to privacy and the presumption of innocence.

- **Q.32. Asked: in the preliminary physical examination of the iPhone 11 mobile phone obtained at your home, the handwritten report on page 83 of the expert examination report. The document has been shown to you. Give your statement in this regard. (Answer to question 32: The money and personal information you have asked me here may be related to the workplace. I do not have clear information about the content.)**

Based on the answer provided by the alleged suspect, it seems that the police and prosecutor are trying to use documents found on the suspect's phone as evidence for terrorism charges, without any clear link or evidence connecting them to terrorism. This is a violation of the principle of legality, which requires that criminal offenses be clearly defined in law and that there be clear evidence linking the suspect's actions to the alleged offense.

Furthermore, the use of personal and financial information unrelated to any alleged terrorism offense in the investigation and interrogation of the suspect may constitute a violation of their right to privacy, as well as a violation of their right to a fair trial. The police and prosecutor should

only collect and use evidence that is directly relevant to the alleged offense, and any personal or financial information collected should be subject to strict confidentiality protections.

- **Q.33. Asked: in the preliminary physical examination of the iPhone 11 mobile phone obtained from your home, the handwritten text on page 85 of the expert examination report. The document has been shown to your scanner. Give your statement in this regard. (Answer to question 33: *The information contained in the document you have asked me here may be the price research I have done before to buy a house or a car.*)**

This question and answer demonstrate the lack of solid evidence linking the alleged suspect to any terrorist activity. The fact that the document in question pertains to price research for purchasing a house or car does not support the accusation of terrorism. Furthermore, even if the document contained information related to terrorism, this alone does not prove that the individual is involved in terrorist activities.

As part of violations of rights, the interrogation questions appear to be leading and speculative, aimed at linking the alleged suspect to terrorist activity without concrete evidence. This is a violation of the presumption of innocence, a fundamental right enshrined in international human rights law. Additionally, the use of personal information, such as money transfers and price research, to build a terrorism case is a violation of the right to privacy.

- **Q.34. Asked: during the preliminary physical examination of the iPhone 11 mobile phone obtained from your home, you were shown the handwritten document on page 86 of the expert examination report. Give your statement on this matter. (Answer to question 34: *The document you asked me about here was shown to me. This writing does not belong to me. I don't remember what it was about.*)**

Based on this question and answer, it appears that the police are attempting to link the alleged suspect to a specific handwritten document found on their phone, possibly as evidence of terrorist activity. However, the alleged suspect denies any knowledge or ownership of the document, and cannot remember its contents.

It is important to note that the mere possession of a handwritten document should not automatically be considered evidence of terrorism or any other criminal activity. Furthermore, the fact that the alleged suspect claims not to have written or know anything about the document raises questions about its authenticity and admissibility as evidence.

The use of questionable or circumstantial evidence to support terrorism charges is a violation of international human rights law, which requires that evidence be reliable, credible, and obtained in a manner consistent with due process. The use of such evidence, without any additional corroborating evidence, violates the presumption of innocence, as well as the right to a fair trial.

- **Q.35. Asked: in the preliminary physical examination of the iPhone 11 mobile phone obtained from your home, the receipt on page 87 of the expert examination report was shown to you. Give your statement on this matter. (Answer to question 35: *I recognise a person named [Name] from Kandira prison. I owed him money and I sent this money to his son.*)**

The question and answer provided suggest that the police are using a receipt found on the suspect's phone as evidence of terrorism, which is highly questionable. The fact that the receipt is for a money transfer to a person connected to a prison may be seen as suspicious by the police, but it does not provide any concrete evidence of terrorism.

Furthermore, the police should not be using individuals' personal relationships or financial transactions as a basis for terrorism accusations without clear and substantial evidence linking

them to terrorism. This practice violates the principle of presumption of innocence and undermines the right to privacy.

The use of such questionable evidence and tactics can result in serious violations of human rights, including the right to a fair trial and the prohibition of torture and ill-treatment. Therefore, it is important to closely monitor and challenge such practices by law enforcement agencies.

The Arrest of the Alleged Suspect

T.C. EDİRNE 2. SULH CEZA HÂKİMLİĞİ		İFADE SORGU ZAPTI
SORGU NO	: 2023/126 Sorgu	
HAKİM	: Fikret ÖZGÜL 212046	
KATİP	: Melek BALABAN TOPÇU 102291	

On the basis of so-called evidence obtained during the investigation, including physical surveillance minutes, HTS records, information, documents and message records seized during the search of the suspect's house, and statement minutes of the suspects and other procedural

documents in the file, the Edirne 2nd Criminal Judgeship of Peace has ordered the arrest of the alleged suspect on the charge of being a member of an armed terrorist organization on the same day. The decision of the judge noted that the crime attributed to the alleged suspect is one of the catalogue crimes listed in Article 100/3 of the Code of Criminal Procedure No. 5271, and that there is a strong criminal suspicion that the suspect has committed the offence. In light of the nature and severity of the crime, the way it was committed, and the lower and upper limit of the punishment of the crime stipulated in the law, the judge claimed that the arrest measure is within the limits of proportionality. The judge further noted that the judicial control measures written in Article 109 of the Code of Criminal Procedure No. 5271 would be insufficient in this case, and therefore ordered the suspect's arrest.

GEREĞİ DÜŞÜNÜLDÜ:

1-Silahlı Terör Örgütüne Üye Olma suçundan şüpheli [REDACTED] ile ilgili olarak dosya içerisinde bulunan fiziki takip tutanakları, diğer şüpheliler ile ortak HTS kayıtları, evinde yapılan aramada ele geçirilen bilgi, belge ve mesaj kayıtları, arama, el koyma ve gözaltına alma tutanağı, şüphelilerin ifade tutanakları ve diğer muameleli evraklar birlikte değerlendirildiğinde, şüphelinin üzerine atılı suçu işlediğine dair kuvvetli suç şüphesinin varlığını gösteren somut delillerin bulunduğu, şüpheliye isnat edilen suçun 5271 sayılı CMK'nın 100/3 maddesinde sayılan katalog suçlardan olması sebebiyle somut olayda bir tutuklama nedeninin de bulunduğu, şüphelinin üzerine atılı suçun vasıf ve mahiyeti, işleniş şekli, suçun kanunda öngörülen cezasının alt ve üst sınırı dikkate alındığında tutuklama tedbirinin ölçülülük sınırları içerisinde kaldığı ve yukarıdaki gerekçelerle 5271 sayılı CMK'nın 109. maddesinde yazılı adli kontrol tedbirlerinin somut olayda yetersiz kalacağı anlaşıldığından şüphelinin **TUTUKLANMASINA,**

Turkish original of the relevant part of the arrest warrant.

The decision of the Edirne 2nd Criminal Judgeship of Peace to arrest the suspect appears to be lacking in concrete justification and fails to provide specific evidence linking the suspect to the alleged terrorist offense. The grounds for arrest stated in the decision are vague and abstract, making it difficult to assess the veracity of the charges. Furthermore, there is no discussion of the credibility or reliability of the evidence presented, nor is there any indication of the specific conduct or actions that the suspect is alleged to have engaged in.

Moreover, the decision appears to violate the principle of proportionality, as the grounds provided for the arrest do not appear to justify the deprivation of liberty of the suspect. The

decision fails to explain why the judicial control measures prescribed by Article 109 of the Code of Criminal Procedure are insufficient in this case and why the arrest of the suspect is necessary. Therefore, it appears that the decision is arbitrary and disproportionate, violating the suspect's right to liberty and the presumption of innocence.

Human Rights Violations: Explanation of How The Interrogation Questions Violate Human Rights

The interrogation questions presented to the individuals linked to the Gülen movement are not only inappropriate but also violate fundamental human rights.

1. **Right to Privacy:** The questions about personal information, contacts, financial transactions, electronic devices and digital documents found during the search, and the content of messages exchanged with certain contacts on the suspect's WhatsApp or Signal accounts, all infringe upon the right to privacy. Individuals have a fundamental right to privacy, which includes the protection of personal information and communication, as well as the right to be free from arbitrary searches and seizures. The intrusive and unwarranted nature of these questions demonstrates a blatant disregard for this fundamental right.
2. **Right to Freedom of Association:** The questions about alleged involvement in the Gülen movement or terrorist activities, and the alleged suspect's relationship with others who may be associated with the movement, violate the right to freedom of association. The right to form and maintain associations with others is protected under international law, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). The mere fact of association with others who hold certain beliefs, without evidence of involvement in any illegal activities, cannot be used as the basis for detention or prosecution.
3. **Right to a Fair Trial:** The questions asked during the interrogation of the detained individuals are a clear violation of the right to a fair trial. The right to a fair trial is an essential component of the rule of law and includes the right to be presumed innocent until proven guilty, the right to a defense, and the right to be tried by an independent and impartial tribunal. The interrogation questions demonstrate a prejudgment of guilt and a presumption of criminality, violating the right to be presumed innocent until proven guilty.
4. **Freedom of Expression:** The questions about the alleged suspect's political views and affiliations also violate the right to freedom of expression. Individuals have a fundamental right to express their beliefs and opinions, including political views, without fear of retribution or persecution. The intrusive and unwarranted nature of these questions demonstrates a disregard for this fundamental right.
5. **Right to non-discrimination:** This right prohibits discrimination on any grounds, including political opinion, religion, or social status. The detention and questioning of individuals solely based on their affiliation with the Gülen movement may be a violation of this right.
6. **Right to liberty and security:** This right protects individuals from arbitrary detention or arrest. The detention of individuals without a legal basis or without reasonable suspicion of a crime may be a violation of this right.

7. **Right to presumption of innocence:** This right guarantees that individuals are considered innocent until proven guilty in a fair trial. The questioning of individuals as if they are already guilty of a crime may be a violation of this right.
8. **Right to know the charges:** This right requires authorities to inform individuals of the charges against them in a timely manner. The failure to inform individuals of the specific charges against them during the interrogation process may be a violation of this right.
9. **Right to access to a lawyer:** This right ensures that individuals have access to legal counsel during the detention and interrogation process. The denial of access to a lawyer or delaying access to a lawyer may be a violation of this right.
10. **Right not to self-incrimination:** This right protects individuals from being forced to incriminate themselves. The questioning of individuals about their personal and financial information or their political views and affiliations may be a violation of this right.
11. **Right not to be subjected to arbitrary detention or punishment:** This right protects individuals from being detained or punished without legal justification. The detention of individuals without sufficient evidence of their involvement in criminal activity may be a violation of this right.

In conclusion, the interrogation questions asked during the detention of the individuals in question constitute a violation of fundamental human rights. These violations are not only contrary to international human rights law but also undermine the principles of democracy and the rule of law.

Conclusion: Recommendations for Action by The Turkish Government and The International Community to Protect Human Rights in Turkey.

Based on the analysis of the case study presented in this report, it is clear that the Gülen movement investigations in Turkey have been carried out in an unlawful manner, violating the basic human rights of Turkish citizens. The Turkish government must take immediate action to address these violations and protect the rights of its citizens.

Firstly, the Turkish government must ensure that all individuals who have been detained or imprisoned in connection with the Gülen movement are granted fair trials and due process rights. This includes the right to legal representation, the right to be informed of the charges against them, and the right to a timely and impartial trial. Additionally, the Turkish government must provide adequate medical care and humane conditions of detention to all detainees.

Secondly, the international community must take action to hold the Turkish government accountable for its human rights violations. This includes imposing sanctions and restrictions on individuals and entities responsible for these violations, as well as advocating for the release of all unlawfully detained individuals.

Finally, the Turkish government must ensure that its counter-terrorism measures comply with international human rights law and standards. Counter-terrorism efforts should not be used

as a pretext for violating human rights, and all measures taken to combat terrorism should be proportionate, necessary, and in compliance with international human rights standards.

In conclusion, the Gülen movement investigations in Turkey have been carried out in an unlawful manner, resulting in serious violations of basic human rights. The Turkish government and the international community must take immediate action to address these violations and protect the rights of Turkish citizens. Failure to do so will only result in further harm to the people of Turkey and the erosion of democracy and the rule of law in the country.