



## STICHTING DE FACTO JUSTICE

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**SUBJECT:** Brief Note Regarding Turkiye's Unlawful  
Implementations

**Dear Nacho SÁNCHEZ AMOR,**

This brief note aims to bring to your attention critical human rights concerns in Turkiye that demand urgent international scrutiny. Recent developments highlight severe violations, including the unlawful detention of 41 young girls, the continued imprisonment of individuals who have completed their probation period, and the transnational abductions of Gulen-affiliated individuals forcibly returned to Turkey and more.

Among others, the detention of 41 girls can be named by far the most sad and pathetic unlawful implementation by Turkish authorities. The detention of 41 girls under dubious legal justifications underscores the ongoing repression of dissent and the targeting of specific groups. Similarly, refusing to release prisoners who have lawfully completed their sentences reflects a broader disregard for legal norms and due process. Furthermore, Turkey's extrajudicial renditions of political dissidents from various countries illustrate an alarming trend of transnational repression, violating both international law and fundamental human rights.

Given your crucial role in the European Parliament, we kindly ask you to consider these pressing issues in your annual report. Addressing these matters will contribute to greater accountability and the protection of fundamental freedoms in Turkiye and beyond.

### **1-Unlawful Detention of 41 Young Girls**

The "41 Young Girls Case" refers to a legal case in Turkey involving the arrest and prosecution of 41 individuals, including 15 underage girls and university students, following a five-month-long technical and physical surveillance operation by the Istanbul Chief Public Prosecutor's

Office. On May 7, 2024, these individuals were taken into custody, and 29 of them were subsequently arrested.

The 15 minor girls were taken to the Üsküdar Children's Bureau, where they were denied access to their lawyers for 16 hours and prohibited from communicating with each other. Additionally, a police officer allegedly threatened them with severe violence.

Authorities claimed that "120 acts of terrorism" had been identified based on three months of phone surveillance and monitoring of students, minors, and their parents. However, the indictment, accepted by the Istanbul 24th High Criminal Court on July 8, 2024, listed ordinary activities such as going to a bowling alley, visiting a friend's house, ordering food through a delivery service, watching movies, organizing trips abroad, and having picnics in a park as alleged terrorist activities.

The core accusation revolves around 12 female university students who voluntarily provided English and religious lessons in four different student residences in Istanbul. The indictment also targets parents for allowing their children to participate in these activities.

## **2- Turan Canpolat's Arbitrary Imprisonment**

Mary Lawlor, the UN Special Rapporteur on Human Rights Defenders, issued a statement regarding nine human rights defenders, including lawyer Turan Canpolat, who are unlawfully imprisoned in Turkey. She expressed deep concern over their prolonged detention, emphasizing that they were arbitrarily arrested and convicted on fabricated terrorism-related charges following unfair trials.

Turan Canpolat, a respected defense lawyer from the Malatya Bar Association, has been imprisoned since January 27, 2016. Despite completing his sentence, he remains arbitrarily detained at Elazığ Prison, with repeated denials of parole and supervised release since 2022.

Canpolat was sentenced to 10 years in prison in 2017 for "membership in an armed terrorist organization" due to his legal work. His conviction was based on a coerced and manipulated statement from a client, obtained after he challenged police misconduct. Notably, he was already in prison for six months before the attempted coup of July 15, 2016, yet he was still convicted under terrorism charges.

While other defendants in the same case have been acquitted, Canpolat faces continued solitary confinement and arbitrary disciplinary measures. Authorities have denied his transfer to an open prison unless he signs a statement admitting guilt, which he refuses on legal and ethical grounds. His detention is widely seen as unjust and politically motivated.

Regarding the matter, in the following paragraph **Amendment 270, Dietmar Köster, Motion for a resolution Paragraph 14** has been cited.

*"Is deeply worried about the disregard by the Turkish judiciary of European Court of Human Rights (ECtHR) rulings and the increasing non-compliance of lower courts with the judgments of the Constitutional Court; is concerned about the mass arrest of more than 100 lawyers just for legally representing suspects of PKK or Gülen Movement cases; regrets the failure of the ECHR to deliver a judgment on the individual application of imprisoned journalist and author Ahmet Altan, which has been pending before the ECHR since January 2017;*

*deplores political impediments employed by the incumbent government and its political allies against judicial reform demands;*

### **3-Extrajudicial Renditions of Political Dissidents from Various Countries**

Transnational Repression has been only one of many major unlawful activities that the Turkish government insisted on maintaining. Turkey's efforts to suppress dissent have extended beyond its borders. A report by the Stockholm Center for Freedom details cases of abduction, rendition, and forcible return of Erdoğan critics from multiple countries, including Malaysia, Pakistan, and Kosovo. These actions violate international peace while breaching the most fundamental human rights. Lastly, In October 2024, seven Turkish nationals, including women and children, were abducted in Nairobi, Kenya, in a coordinated operation<sup>1</sup>. These individuals, identified as asylum-seekers linked to the Gülen movement, were taken from various locations on October 18. While some, such as Abdullah Genç, Necdet Seyitoğlu, and Saadet Taşçı, were subsequently released, others -Öztürk Uzun, Alparslan Taşçı, and Hüseyin Yeşilsu- remained missing and were at significant risk of refoulement, a severe violation of international law.

The Kenyan government later confirmed the repatriation of four Turkish nationals at the request of the Turkish government, assuring that human rights would be upheld in their handling<sup>2</sup>. This incident raised concerns among international organizations, with the United Nations expressing deep concern over Kenya's actions, emphasizing the breach of both Kenyan and international refugee laws<sup>3</sup>. This event is part of a broader pattern of transnational repression, where Turkish dissidents and asylum-seekers have been targeted abroad.

More recently, in May 2021, Selahattin Gülen, the nephew of exiled cleric Fethullah Gülen, was reportedly abducted in Nairobi and forcibly returned to Turkey<sup>4</sup>. These incidents have sparked significant concern regarding the safety and rights of refugees and asylum-seekers in Kenya, highlighting the need for adherence to international laws protecting individuals fleeing persecution.

### **4-Türkiye's Failure to apply the ECtHR's Yalçinkaya Decision**

The European Court of Human Rights (ECtHR) delivered a landmark judgment on September 26, 2023, in the case of *Yalçinkaya v. Türkiye*. The Grand Chamber found that the applicant's conviction violated several articles of the European Convention on Human Rights (ECHR), including Article 7 (no punishment without law) and Article 6 (right to a fair trial). This ruling underscored systemic issues within the Turkish judicial system, particularly concerning the prosecution of individuals alleged to be associated with the Gülen Movement.

Despite the binding nature of ECtHR judgments, there have been concerns regarding Türkiye's compliance with this decision. Non-implementation not only undermines the rule of law but also contravenes Türkiye's obligations under international human rights law. Experts

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<sup>1</sup> <https://www.amnestykenya.org/statement-on-the-abduction-and-disappearance-of-seven-turkish-asylum-seekers-for-immediate-release/>

<sup>2</sup> [https://www.kenyans.co.ke/news/105561-govt-confirms-repatriating-4-turkish-nationals-after-abduction?utm\\_source=chatgpt.com](https://www.kenyans.co.ke/news/105561-govt-confirms-repatriating-4-turkish-nationals-after-abduction?utm_source=chatgpt.com)

<sup>3</sup> [https://www.the-star.co.ke/news/world/2024-10-23-un-deeply-concerned-kenya-returned-turkish-refugees?utm\\_source=chatgpt.com](https://www.the-star.co.ke/news/world/2024-10-23-un-deeply-concerned-kenya-returned-turkish-refugees?utm_source=chatgpt.com)

<sup>4</sup> [https://nation.africa/kenya/news/doubling-down-kenya-stands-by-violent-capture-and-repatriation-of-turkish-refugees-4802498?utm\\_source=chatgpt.com](https://nation.africa/kenya/news/doubling-down-kenya-stands-by-violent-capture-and-repatriation-of-turkish-refugees-4802498?utm_source=chatgpt.com)

emphasize that disregarding such judgments can lead to significant legal and political consequences, both domestically and internationally<sup>5</sup>.

Furthermore, subsequent ECtHR decisions, such as the *Yasak* judgment, have raised questions about the Court's consistency in addressing similar cases. Critics argue that a deferential stance towards Türkiye in these rulings may dilute the impact of the *Yalçınkaya* judgment and hinder efforts to rectify systemic judicial flaws.

In summary, the *Yalçınkaya* case highlights the imperative for Türkiye to align its judicial practices with international human rights standards. Ensuring adherence to ECtHR rulings is crucial for upholding the rights of individuals and maintaining the integrity of the European human rights framework.

As of February 2025, Turkey has still not implemented the European Court of Human Rights (ECtHR) Grand Chamber's judgment in the case of *Yalçınkaya v. Turkey*, delivered on September 26, 2023. The court found violations of Articles 6 (right to a fair trial), 7 (no punishment without law), and 11 (freedom of assembly and association) of the European Convention on Human Rights. **Despite the binding nature of ECtHR judgments, Turkish authorities have yet to take comprehensive measures to comply with this ruling.**

Legal experts and human rights organizations have emphasized Turkey's obligation to implement the decision. The Turkish Bar Association released a report stating that Turkey has no alternative but to abide by the ECtHR's judgment<sup>6</sup>. Similarly, international rights groups have called on the Council of Europe to urge Turkey to fulfill its obligations under the convention<sup>7</sup>.

The non-implementation of this judgment highlights systemic issues within Turkey's judicial system, particularly concerning convictions based on activities such as using the ByLock messaging application, holding an account at Bank Asya, or membership in certain associations. Former ECtHR judge Rıza Türmen noted that the ruling points to significant problems in the application of law and existing legislation in Turkey<sup>8</sup>.

In summary, Turkey's failure to enforce the ECtHR's *Yalçınkaya* decision not only contravenes its international legal obligations but also raises concerns about the broader state of human rights and judicial independence within the country.

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<sup>5</sup> [https://www.humanrightsincontext.be/post/yal%C3%A7%C4%B1nkaya-v-t%C3%BCrkiye-the-implications-and-potential-consequences-of-continuing-non-compliance?utm\\_source=chatgpt.com](https://www.humanrightsincontext.be/post/yal%C3%A7%C4%B1nkaya-v-t%C3%BCrkiye-the-implications-and-potential-consequences-of-continuing-non-compliance?utm_source=chatgpt.com)

<sup>6</sup> [https://stockholmcf.org/turkey-has-no-choice-but-to-abide-by-ecthrs-ycalcinkaya-judgment-turkish-bar-association/?utm\\_source=chatgpt.com](https://stockholmcf.org/turkey-has-no-choice-but-to-abide-by-ecthrs-ycalcinkaya-judgment-turkish-bar-association/?utm_source=chatgpt.com)

<sup>7</sup> [https://www.turkishminute.com/2024/09/19/intl-right-groups-call-on-coe-urge-turkey-implement-ecthr-ruling-on-teacher/?utm\\_source=chatgpt.com](https://www.turkishminute.com/2024/09/19/intl-right-groups-call-on-coe-urge-turkey-implement-ecthr-ruling-on-teacher/?utm_source=chatgpt.com)

<sup>8</sup> [https://stockholmcf.org/ycalcinkaya-ruling-points-to-systemic-problems-in-turkey-former-ecthr-judge/?utm\\_source=chatgpt.com](https://stockholmcf.org/ycalcinkaya-ruling-points-to-systemic-problems-in-turkey-former-ecthr-judge/?utm_source=chatgpt.com)