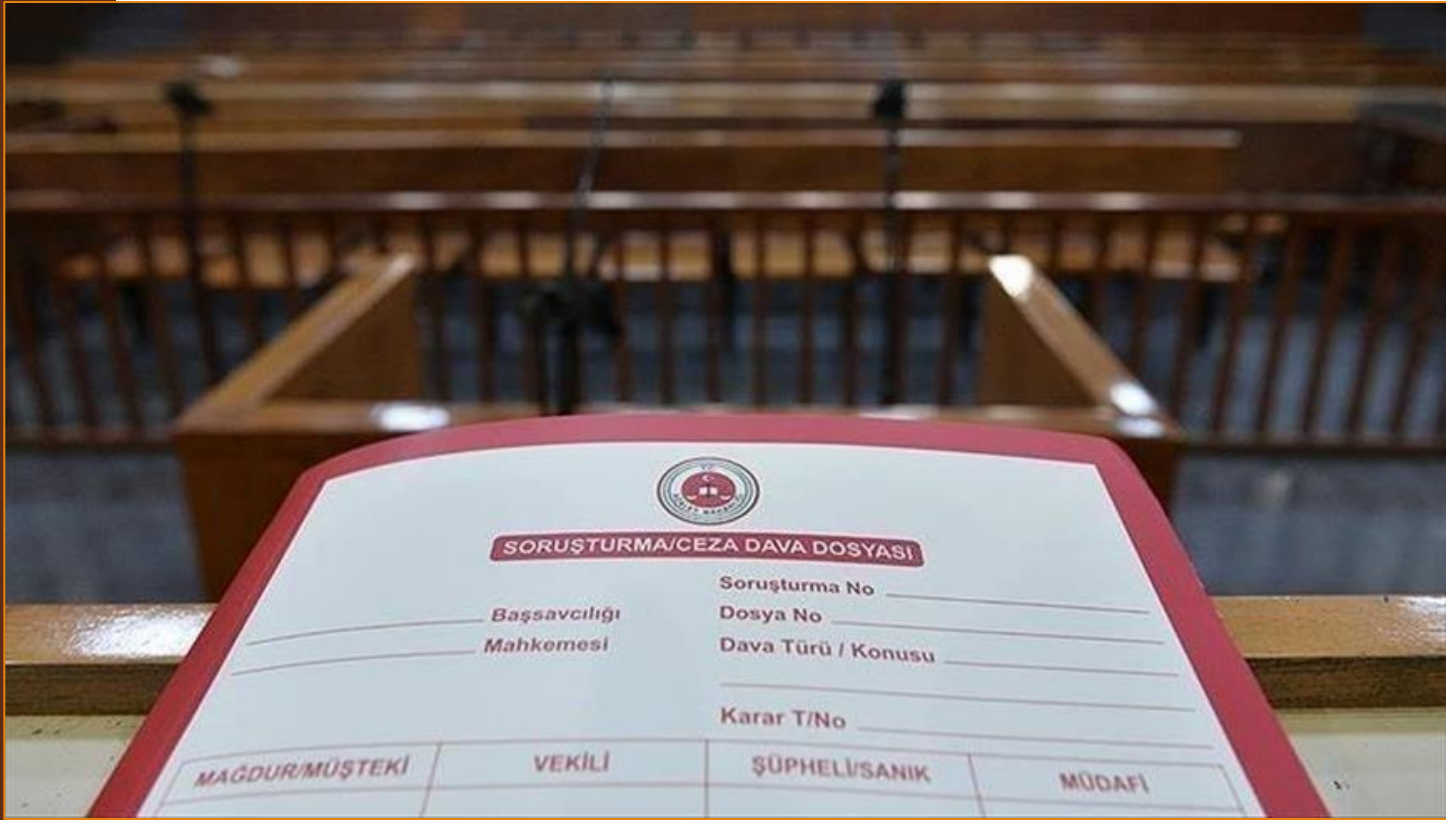


The Case of “the Minor Girls”:

Investigation And Trial Of Minor 'M.A.' For Terrorism



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Terrorism Case Against 16-Year-Old High School Female Student M.A.

An investigation was initiated against M.A., born in 2008 (16 years old), a high school student, on charges of being a member of an armed terrorist organisation, technical and physical surveillance measures were applied, she was detained as a “minor dragged into crime” and was subsequently indicted. This report seeks to shed light on the unlawful proceedings and the human rights violations that M.A. was subjected to.

Initiation of Investigation against M.A. and Measures Imposed

On 31 January 2024, 16-year-old high school student M.A. was included as a suspect in the terrorism investigation no. 2023/276683 initiated by the Istanbul Chief Public Prosecutor's Office on 19 December 2023. The reason why M.A. was also investigated was that she was spotted during a physical surveillance conducted by law enforcement and that she was thought to have been engaged in so-called “organisational activities”, the nature of which was not clear. In this context, it was assumed that there was a case of undue delay against M.A. and it was claimed that no other evidence could be obtained. However, no tangible evidence has been presented to support this assumption and claim.

Yukarıda fiziki takip ve tarassut tutanağında adı geçen SSÇ [REDACTED] ve Gülden ŞAHİN hakkında;

Bugün yani 31.01.2024 günü gün içerisinde örgütsel faaliyete katılacağı değerlendirildiğinden başka türlü delil elde edilemeyeceğinden gecikmesinde sakınca bulunan hal kapsamında CMK 135 ve CMK 140 kararlarına ihtiyaç duyulduğundan gerekli talimatların verilmesi gerektiğinin uygun olacağı değerlendirilmiştir.

As evident in the police report, the decision was requested on the grounds that M.A. would participate in an organisational activity planned on 31 January 2024, but neither in the indictment nor elsewhere in the file is there any mention of any criminal activity that took place or planned to take place on 31 January 2024, nor is M.A. associated with any activity on that day. Therefore, based on an untrue allegation, a decision was taken to conduct wiretapping and technical surveillance on M.A.

In this context;

- On 31 January 2024, the Prosecutor's Office decided to wiretap her phone for 24 hours on the grounds of **undue delay and on charges of membership of a terrorist organisation**, (*Annex 1*)
- On 1 February 2024, the aforementioned wiretapping order was upheld by the Istanbul 8th Criminal Judgeship of Peace, and a 60-day normal wiretapping order was issued, and this order was extended twice (*Annex 2*)
- Again on 1 February 2024, Istanbul 8th Criminal Judgeship of Peace issued a **physical surveillance** order against M.A. for 3 weeks (*Annex 3*) and this order was extended 5 times.

As a result, M.A.'s mobile phones were tapped for a total of 4 months and she was physically followed by the police.

Detention of M.A.

On 7 May 2024, M.A. **was detained** together with her mother K.A. and brother E.A. (*Annex 4*), their house was searched, after 3 days of detention, M.A.'s statement was taken by the Prosecutor on 9 May 2024 (*Annex 5*) and she was released with a judicial control decision to be tried without arrest (*Annex 6*). Her brother E.A., who was detained in the same investigation, was released 16 hours after his statement was taken for the purposes of “gathering information”, and her mother K.A. was arrested on 10 May 2024.

Before M.A. was taken into custody, an Investigation Report was issued by the police on 2 February 2024. (*Annex 7*) The matters investigated against M.A. are as follows:

GİZLİ

TUTANAK

İstanbul Terör Ve Örgütlü Suçlar Soruşturma Bürosu tarafından 02/05/2024 tarih ve 2023/276683 sayılı ve 2023/276683 barkod numaralı yazı ile tarafımıza bilgileri gönderilen şahısların TCKN'leri kullanılarak FETÖ/PDY örgütü kapsamında çeşitli birimler tarafından Başkanlığımıza gönderilen ve Analiz Şube Müdürlüğünde toplanan veriler içerisinde bu tarih itibarıyla yapılan sorgulama sonucu;

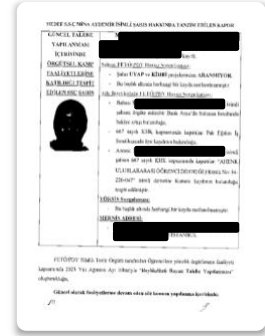
- *Whether her name is mentioned in the investigations carried out within the scope of FETÖ/PDY*
- *Whether she is a manager or shareholder of the companies to which a trustee is appointed, an injunction is imposed or seized,*
- *Whether she was among the people who deposited money to Bank Asya in 2014-2015,*
- *15 July 2016, whether she was one of the people who were processed after the coup attempt,*
- *Whether she is a member of associations and unions closed down by the Decree Law, whether she is among the secret imams of the Directorate General of Security, whether her name is on the appointment list of martial law commanders[prepared by coup-plotters],*
- *Whether she was one of those dismissed by the Decree of Emergency Decree,*
- *Whether she can use Bylock or whether her name is mentioned in Bylock correspondence,*
- *Whether there is a SSI record in FETÖ/PDY-affiliated companies,*
- *Whether her statement was taken within the scope of FETÖ investigations or whether her name was mentioned in the statements taken,*

No records were found as a result of the said investigation, and the fact that such an investigation was conducted on M.A., who was 6 years old at the time of the increase in money in Bank Asya, 7 years old at the time of Bylock use and 8 years old at the time of the coup attempt, clearly shows the arbitrariness of the investigation.

Whether or not the Secret Witness “Albatros” provided information about him.

Another Report, apparently issued on 6 May 2024, 1 day before M.A. was taken into custody, contains the following information about M.A: *(Annex 8)*

- She is not being sought by the police in connection with the UYAP and KİHBİ projects,
- Her father has an account in Bank Asya and is a member of a closed down trade union,
- Her mother is registered as a founder of an association that was closed down
- No YÖKSİS record; according to MERNİS records she lives in Istanbul.



Although the report does not contain any information about M.A. in relation to the offence, the fact that information about her parents was added to the report by associating them with her also points to the arbitrariness of the investigation.

In addition, M.A. was only able to meet with her lawyer once during her detention period for 14 minutes in total. *(Annex 9)* On the other hand, her mother who was being arrested alongside her was cunningly made to sign and receive notice of her arrest as next of kin who by law had to be informed, which meant her father or any other family members had no way of knowing why she were being arrested and where she was being taken to *(Annex 10)*

Forcing M.A. to testify against her parents

The first hearing of the case against 41 defendants, including M.A.'s mother, took place at Istanbul 24th High Criminal Court between 23-27 September 2024. M.A. was also heard as a witness at the same hearing *(Annex 11)*.

M.A. stated in her statement to the court that she was threatened by the prosecutor to be sent to a juvenile detention centre and that she was put under duress in order to make her testify against her parents and friends.

Tanık M.A.: Yani şöyle ben zaten öncelikle diğer kızlardan ayrıldım orada 3 gün tutuldum. Avukat benim yanıma ilk geldiği zaman şey dedi işte savcının dedikleri her şeye evet de çünkü ıslah evine gönderecek dedi bende bundan korktum daha çok işte savcının yanına gittiğimde de savcı ben bilmiyorum hatırlamıyorum deyince de bak düzgün cevap ver ıslah evine gidersin dedi. Bende o yüzden yani...

The Case Against M.A.

In the following process, the Istanbul Chief Public Prosecutor's Office prepared a 99-page **indictment** against M.A. and a **lawsuit** was filed against 16-year-old M.A. on the charge of being a member of an armed terrorist organisation. The indictment, which was accepted by the Bakırköy 1st Juvenile Assize Court, was sent to the Istanbul 24th Assize Court, where the main case was heard, on 6 December 2024 with a request for consolidation *(Annex 12)*. The request

was accepted by Istanbul 24th Assize Court and the files were merged (*Annex 13*) As a result, M.A. will be tried together with her mother on charges of membership in an armed terrorist organisation.

The 9 incidents alleged to **be acts of terrorist organisation** against M.A. are related to the following in summary

- *Participating with friends in a overnight event in Akören Village,*
- *Participating in a bowling event in a shopping mall with friends after the said event,*
- *Attending an event at M.A.'s own home where friends and their parents were present,*
- *Participating with friends in an dinner during the holy month of Ramadan,*
- *Attending a meeting with her mother at her mother's friend's,*
- *Taking a walk on the beach in Florya with an education coach,*
- *Getting together with an education coach and other friends to study and do social activities,*

The Prosecutor's Office considers these alleged acts as activities of an armed terrorist organisation and demands M.A. **to be sentenced for membership of an armed terrorist organization.**