

The Case of “the Minor Girls”:



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Table of Contents

<i>Introduction</i>	2
<i>Chronological Events</i>	3
<i>Details of Unlawfulness</i>	4
Unlawfulness Experienced by Children During Detention	4
Being Taken into Custody as a Child Driven to Crime.....	5
Technical Surveillance and Wiretapping.....	7
Information Notes and Intelligence	8
Questions Asked During Police Custody.....	9
Unlawfulness in the Preparation of the Indictment	10
Criminalization of Legal Professionals and Lawyers	10
<i>Charges Mentioned in the Indictment</i>	12
Actions Included in the Indictment	12
Allegation of Using Internet-Based Programs	12
Allegation as to Using of Codenames	13
Allegation of Recruiting Members for the Organisation	13
Allegations concerning student homes run by the Organisation	15
Accusations as to Restructuring of the Organisation	15
<i>Conclusion and Recommendations</i>	17
Conclusion.....	17
Recommendations	17

The Minor Girls Case¹ : Unlawfulness and Human Rights Violations

Introduction

On May 7, 2024, following the instructions of the Istanbul Chief Public Prosecutor's Office, the Istanbul Police Department's Anti-Smuggling Division conducted an operation, resulting in the detention of 40 individuals, the majority of whom were university students and their parents. On the same day, the Child Protection Branch also detained 15 children, aged between 13 and 17, who were the children of those detained, purportedly for "information gathering" purposes. These children were released after 16 hours of detention. Of the remaining 38 suspects, which included young female university students aged between 19 and 25, 33 were referred to the On-Duty Criminal Judgeship of Peace on May 10, 2024, with a request for their arrest following a four-day detention period, and 28 were subsequently remanded in custody and sent to prison.

On June 10, 2024, a 529-page indictment prepared by the prosecutor conducting the investigation was filed, initiating legal proceedings against 41 individuals. The indictment states that 21 of the defendants are in pretrial detention and that 37 of the defendants are female, while 4 are male. The prosecutor's primary allegation is that 12 female university students voluntarily provided English and religious lessons to middle and high school students and organised social activities in four different residences in Istanbul, which is characterized as terror-related activity.

The indictment also includes assessments under the heading "Lawyers and Legal Professionals," which clearly demonstrate an attempt to infer criminal wrongdoing from the mere exercise of legal professionals' duties and to use this as a basis for terrorism charges. This approach constitutes a violation of the right to defence and professional freedoms and poses a direct threat to the principle of the rule of law.

This report has been prepared by Ms. Lale Demirkazan, a lawyer registered with the Istanbul Bar Association and an experienced jurist who also served as a judge. The aim of the report is to contribute to a fair trial and the upholding of the rule of law by explaining in detail the unlawful practices and human rights violations in the trial known as the Case of the Minor Girls.

¹ https://tr.wikipedia.org/wiki/Kız_Çocukları_Davası

Chronological Events

This section provides a detailed chronology of the Minor Girls Case, covering the period from December 19, 2023, when the investigation was initiated, to September 23, 2024, when the first hearing of the case took place.

19 December, 2023: Based on information of unknown origin and allegedly coming from "reliable sources", the police launched a "terrorism" investigation against 17 people, mostly female university students.

18 January, 2024: Despite the absence of any concrete suspicion and evidence of a crime, the Criminal Judgeship of Peace issued wiretapping and physical surveillance orders upon the request of the prosecutor's office. With these orders, students, children and their parents started to be surveilled around the clock.

31 January 2024: The prosecutor, citing "a case where delay is prejudicial" decided to wiretap the phones of a 16-year-old girl on grounds of "membership in an armed terrorist organisation."

1 February 2024: The Criminal Judgeship of Peace issued a physical surveillance order against a 16-year-old girl on charges of "membership in an armed terrorist organisation" and the police began to physically follow her.

25 February 2024: The police requested authorisation for wiretapping and physical surveillance of a 12-year-old girl on charges of "membership in an armed terrorist organisation", citing "a case where delay is prejudicial."

29 April, 2024: It was alleged that 117 individual "acts of terrorism" were identified between January 21 and April 29 as a result of wiretapping and physical surveillance. The students' entry and exit from their respective places of residence and their lawful meetings with one another were recorded as "terrorist activity."

6 May 2024: The prosecutor ordered the detention of a 16-year-old child on charges of "membership in an armed terrorist organisation" and decided that 16 children between the ages of 12 and 17 be "brought in" to the police station. On the same day, an order was issued for the detention of 38 individuals, the majority of whom were female university students.

7 May, 2024: At 5:30 AM, police raids resulted in the detention of 15 children and 38 adults, and searches were conducted at their homes. Although it was stated that the children were taken to the police station for "information gathering" purposes, they were

all detained by use of force and treated as suspects. The children, who underwent forensic medical examinations, had their relatives sign notification papers where the children were defined as "suspects." They were denied access to their lawyers and families, and even communication among themselves was prevented.

[10 May 2024](#): The prosecutor referred 33 of the detainees to the Criminal Judgeship of Peace with a request for their arrest. 28 individuals were remanded in custody on charges of "membership in an armed terrorist organisation." Among those arrested, 10 were university students aged between 19 and 25, who were in the middle of their exams. Additionally, the mothers and sisters of some of the children as well as individuals with serious health conditions were also arrested.

[14 May, 2024](#): The two detained girls, aged 16 and 17, described their experiences in detail in interviews they gave to the media.²

[10 June, 2024](#): The prosecutor submitted a 529-page indictment to the Istanbul 24th High Criminal Court against 41 defendants, 37 of whom are female. 418 pages of the indictment were dedicated to 117 "acts of terrorism" allegedly identified through wiretapping and physical surveillance. The prosecutor classified students giving English and religious lessons, going bowling and distributing aid packages as "acts of terrorism."

[8 July, 2024](#): The Istanbul 24th High Criminal Court issued the preliminary proceedings report and scheduled the trial for September 23-27. The court ruled that 15 children be brought to the court by the police on the day of the hearing to testify against their parents.

[23 September, 2024](#): The first hearing was held at Istanbul 24th High Criminal Court.

Details of the Unlawful Practices

Unlawful Practices Experienced by Children During Detention

On May 7, 2024, the Child Protection Branch took 14 children, aged between 13 and 17, into custody for "information gathering" purposes, while a 16-year-old child was arrested as a "suspect." The prosecutor's office issued an order to forcibly bring the children to police custody, ordering also the raiding of their respective homes at 5:00 AM to "secure their custody" and bring them to the police station. ([Annex 1: Prosecutor's Order](#)) Law enforcement officers, acting in accordance with this directive, "took the children into custody," treating them as criminal suspects during the process. ([Annex 2: Custody Records](#))

² <https://bianet.org/haber/uskudar-cocuk-subede-16-saatlik-gozalti-psikolojik-baski-ve-avukatsiz-sorgu-295218>

The children were taken to the hospital like criminals and subjected to forensic medical examinations, with siblings being sent to different hospitals, preventing them from seeing each other and deepening their psychological trauma. ([Annex 3: Forensic Medical Reports](#)) A notification record was prepared for their relatives regarding the children taken into custody by the police, and they were forced to sign the record as suspects. ([Annex 4: Notification Records](#)) While in custody, they were threatened with statements such as "You will see inside, they will make your life hell," causing serious physical and psychological trauma. ([Annex 5: Bianet.org News](#))

The children brought to the police station were denied contact with their families and lawyers, and families' attempts to communicate with their children were rejected. The witness statement procedures stipulated in the Child Protection Law and the Criminal Procedure Code were completely disregarded, and the children were forced to give statements without legal counsel. ([Annex 6: Order to Deny Access to a Lawyer](#)) During their questioning, they were asked about their daily activities based on technical surveillance data and were subjected to demeaning remarks such as "coward, liar, you are lying." ([Annex 7: Statement Records](#))

Social services officers failed to fulfill their obligation to support the children and, in some records, even participated in multiple interrogations simultaneously. ([Annex 8: Social Work Officer Reports](#)) The children were forcibly held at the police station until 9:45 PM, even after their statements had been taken, and were deprived of food. Families' requests to bring food for their children were also denied. ([Annex 9: Custody Release Record](#))

During the investigation phase, the children's statements were taken, yet during the trial phase, the court ordered them to testify under duress. The objection submitted to the court, arguing that forcing children to testify as witnesses was legally improper, was disregarded. ([Annex 10: Request for Reversal of Interim Decision](#))

A criminal complaint was filed with the Public Prosecutor's Office on behalf of Aysu Öztaş Bayram regarding torture allegations involving her 16- and 17-year-old daughters; however, no progress has been made to date. ([Annex 11: Torture Complaint Petition](#))

In conclusion, the children were deprived of the safeguards provided under Article 3 of the European Convention on Human Rights (ECHR) and Article 94 of the Turkish Penal Code, which prohibit torture. The physical and psychological pressures inflicted upon them have caused serious harm to their physical and mental health, leading to lasting trauma.

M.A., Taken into Custody as a Child Driven to Crime

Within the scope of the investigation conducted against M.A., born in 2008, as a "child driven to crime," on May 7, 2024, M.A. was taken into custody from their home along with their mother, K.A., and sibling, E.A., born in 2011. As part of the investigation, both wiretapping and physical surveillance measures were imposed on 16-year-old M.A.

On February 1, 2024, the Istanbul 9th Criminal Judgeship of Peace issued a wiretapping order against 16-year-old M.A. for a period of two months under Article 135 of the Criminal Procedure Code (CMK) on the grounds of founding, leading, and membership in an armed terrorist organisation. This order was subsequently extended twice, for one month each, on March 26 and April 30.

Additionally, on the same date, the Istanbul 9th Criminal Judgeship of Peace issued a technical surveillance (physical tracking) order against M.A. for a period of 20 days under Article 140 of the Criminal Procedure Code (CMK) on the same charges. This order was extended four times, each for one week, on February 21, February 28, March 5, March 12, and March 19.

As a result, 16-year-old high school student M.A. was subjected to four months of wiretapping and approximately two months of physical surveillance under the charge of founding, leading, and membership in an armed terrorist organisation.

On May 7, 2024, at around 6:00 AM, M.A. was taken into custody and was only able to meet with her lawyer at 10:15 PM. The meeting lasted only 14 minutes, meaning M.A. was deprived of legal assistance for approximately 16 hours.

M.A. remained in police custody for three days until May 9. On the same day, their statement was taken by the prosecutor. Subsequently, M.A. was referred to the Istanbul 4th Criminal Judgeship of Peace with a request for judicial control. The court imposed a judicial control measure, prohibiting M.A. from leaving the country, under Article 314/2 of the Turkish Penal Code (TCK) on charges of membership in an armed terrorist organisation.

The allegations against M.A. are primarily based on the alleged affiliation of her parents with the Gülen movement. According to the police report titled "Target CDC M.A: Report Prepared on the Individual," no specific evidence or information was found against M.A.; however, references were made to the following entirely lawful activities of their parents:

- *The father had an account balance increase in Bank Asya.*
- *The father was registered as a member of Pak Education and Labor Union, which was closed under Decree Law No. 667.*

- *The mother was recorded as a founding member of Ahenk International Student Association, which was closed under Decree Law No. 667.*

During the July 15, 2016 coup attempt and the subsequent declaration of the state of emergency (OHAL), M.A. was only 8 years old. However, a police investigation conducted in 2024 revealed that M.A. was investigated based on the same criteria applied in political investigations against hundreds of thousands of adults. According to the police report dated May 2, 2024 ([Annex 12: Investigation Report](#)), M.A;

- *Whether M.A.'s name has been mentioned in investigations related to the Gülen movement,*
- *Whether M.A. has any company partnerships with individuals under investigation,*
- *Whether there was an increase in Bank Asya accounts in 2013-2014 (when M.A. was only 5-6 years old),*
- *Whether M.A.'s name was included in the Counterterrorism (TEM) Department's list of individuals investigated following the July 15 coup attempt,*
- *Whether M.A. is a member of associations, unions, etc., that were closed down by decree laws,*
- *Whether M.A. was among those dismissed by decree laws,*
- *Whether M.A. is a ByLock user or whether her name has been mentioned in ByLock correspondence,*
- *Whether M.A. has an SSI (Social Security Institution) record in companies associated with the Gülen movement,*
- *Whether M.A. was mentioned in the testimony of secret witnesses,*
- *These aspects were investigated by law enforcement authorities,*
- *research has been conducted on these issues,*

research has been conducted on these matters.

Due to the fact that M.A. was a minor, the investigation was legally separated as required by law, and the prosecutor filed a case in the Juvenile Court on charges of membership in a terrorist organisation.

Technical Surveillance and Wiretapping

The investigation was initiated following a letter from the Istanbul Police Department's Anti-Smuggling Division dated December 19, 2023. The letter referred to an entity described as the "current student structuring" and alleged the existence of an organisation named "Beylikdüzü Female Students." Based on unverified information, a request was made to the prosecutor's office for instructions regarding 17 individuals identified in connection with this alleged

structure. In response, the prosecutor's office initiated an investigation and authorized measures under Articles 135 and 140 of the Criminal Procedure Code (CMK).

On January 18, 2024, the Istanbul 3rd Criminal Judgeship of Peace issued a ruling authorising wiretapping and the use of technical surveillance measures, which remained in effect until April 30, 2024, when the Istanbul 9th Criminal Judgeship of Peace ordered their termination. However, before the surveillance period expired, the prosecutor's office issued a detention order, leading to the arrest of the individuals under investigation.

During the three-month investigation period, a total of 61 judicial decisions were issued, including 41 orders for technical surveillance and 20 orders for wiretapping, affecting 57 individuals, including a 16-year-old girl. A particularly notable aspect of the case is that a surveillance request was also made against a 12-year-old girl under Articles 135 and 140 of the Criminal Procedure Code (CMK). Given that a 12-year-old child does not have criminal liability under Turkish law, the request for wiretapping and technical surveillance against her raises serious concerns regarding compliance with legal standards during the investigation phase. ([Annex 13: Technical Surveillance Request](#))

As a result of the wiretapping of phones, private family conversations between individuals were recorded. As part of the technical surveillance, residences were monitored and security camera footage from these residences was submitted into the case file as evidence. However, according to legal provisions, recordings obtained through the entry of undercover investigators or technical devices into residences or areas classified as part of a residence cannot be used as evidence. Similarly, the inclusion of security camera footage from residential complexes in the case file as evidence raises serious legal concerns regarding its admissibility and compliance with procedural law.

The reasons for the imposition of the measures, the evidence obtained as a result of their application, and the justifications for the extension orders have not been clearly stated in the decisions. The process, which is justified using general statements, reveals that the legal basis for the measures applied is insufficient. It is clear that evidence obtained unlawfully, even if it contains incriminating elements, should not be used in the judicial process.

[Information Notes and Intelligence](#)

In the indictment, information notes and intelligence information from security units are presented as evidence and are included on various pages. Some of these information notes are as follows:

- [Information transmission notes from the National Police Counterterrorism Department](#): For example, letter dated 10.09.2020 and numbered

2020091014004028309, letter dated 16.09.2021 and numbered 2021091614362173031.

- [Information notes from the Counterterrorism Department](#): For example, letter dated 25.04.2018 and numbered 2018042520580429745, letter dated 11.06.2021 and numbered 2021061116355497303.
- [General intelligence information](#): The information presented on page 41, which is stated as "intelligence data from reliable sources in need of confirmation".

These information notes and reports constitute a significant portion of the indictment, with a total of 13 information notes and one intelligence report presented as evidence.

Firstly, the source of the information notes and intelligence data included in the indictment has not been clearly stated. There is no clear information regarding who prepared these documents, how the information was gathered, or how the accuracy of the information was verified.

Generally, while the Counterterrorism Department (TEM) is indicated as the source, this does not clarify who specifically prepared the documents. The uncertainty regarding the source prevents us lawyers from assessing the objectivity and neutrality of the documents, raising concerns that the evidence presented may not come from a reliable source or may have been prepared in a biased manner.

Furthermore, the process by which these documents were prepared and the procedures followed in their preparation have not been explained. The uncertainty surrounding the procedures used in the preparation of the information notes and intelligence reports seriously calls into question their accuracy and reliability.

There is also no independent verification mechanism or third-party confirmation to determine whether the content of the documents is accurate. In this case, there are significant concerns about how closely the claims made in the indictment reflect the truth regarding the content of these documents presented as evidence.

The defendants are unable to effectively prepare defence against the pieces of evidence in question as their source and reliability remain unknown to them. In order for the right to defence to be exercised effectively, the source of the evidence and the methods used to obtain it must be clearly specified.

Furthermore, the defendants and their lawyers have the right to full and unrestricted access to the evidence used against them. However, there is no access for the defence to the unclear and improperly collected evidence presented in the indictment. Additionally, there is no direct

or indirect connection between the defendants and the information notes included in the indictment.

The acceptance of such documents as evidence, which are unclear in terms of who prepared them, by what methods, and how they were obtained, and which are not shared with the defence, is in violation of fundamental legal principles, starting with the right to a fair trial.

Questions Asked During Police Custody

On the morning of May 7, the suspects were detained and taken to the police station where they were held for 2 days, after which interrogations began on May 9 and continued until midnight.

During the interrogation, the suspects were asked subjective questions, questions about business activities, questions about the social environment and questions based on surveillance and phone calls.

- *Whether he used the program called ByLock, which was shut down in 2014,*
- *Whether in 2015 you had an account in a bank that was closed,*
- *In 2016, they were asked whether they subscribed to the shut-down Zaman newspaper. The majority of the suspects were children at the time.*
- *They were also asked about their whereabouts during the July 15 coup attempt and whether they knew people who committed crimes during this period.*

Others were about commercial activities, questions about social circles, and questions related to the surveillance conducted. None of the suspects were asked any questions related to the charge of attempting to overthrow the constitutional order. No action was shown as the basis for the terrorism charge, nor was an explanation requested regarding such an act. All the questions asked were related to lawful activities and actions that do not constitute criminal offenses. This raises questions about the grounds on which the investigation is based.

Unlawfulness in the Preparation of the Indictment

The 529-page indictment prepared by the Istanbul Chief Public Prosecutor's Office contains serious legal issues both in terms of its structure and content. ([Annex 14: Contents of the Indictment](#))

An indictment should be a document that includes the legal grounds for the charges, the analysis of the evidence, and an evaluation of the defendants' rights to defence. However, this indictment is largely a repetition of police reports.

418 pages of the indictment are simply a replication of reports prepared as a result of wiretapping and technical surveillance. These types of documents should only contain summaries and legal analysis, yet they have simply been included without being assessed first. Similarly, the first 40 pages of the indictment, which contain police information notes, rely on unclear sources and unverified data. The inclusion of these information notes in the indictment without legal analysis raises serious concerns about the reliability and validity of the evidence.

An indictment prepared by the prosecutor's office is expected to include the analysis of concrete evidence supporting the charges and the legal grounds for the allegations. However, the current indictment is largely filled with technical details and lacks sufficient legal analysis and concrete allegations. There is no evaluation regarding how the evidence constitutes the alleged crimes, which demonstrates that the indictment fails to fulfill its fundamental purpose.

These deficiencies are clearly contrary to the principles of the rule of law and the functions assigned to the indictment under Article 170 of the Code of Criminal Procedure.

Criminalization of Legal Professionals and Lawyers

The evaluations included in the indictment clearly expose the misuse of terrorism charges. Notably, the statements under the headings "Lawyers" and "Legal Professionals" on pages 13 and 14 of the indictment are particularly striking, as they highlight how legal procedures are being criminalized.

On page 13 of the indictment, the evaluations regarding legal professionals are as follows;

Hukukçular

Cezaevinde bulunan hâkim, savcı, avukatlardan oluşmaktadır.

Hukukçular; Örgüt mensuplarını diri tutmak ve itirafçılığı önlemek için, cezaevinde bulunan örgüt mensuplarını çıkınca yüklü miktarda para alacaklarına inandırmak, davaların AİHM'den döneceğini, itirafçı olup suçu kabul edenlerin tazminat alamayacaklarını söyleyerek kandırmak ve bu sayede itirafçılığı ve dağılmayı önlemek, tahliye olanların eski işlerine geri döneceklerine inandırmak, hukuki yönden nasıl savunma yapmaları gerektiğini öğretmekle görevli örgüt mensuplarıdır.

On page 14 of the indictment, the evaluations made about the lawyers;

Avukatlar

Örgütün cezaevlerinde bulunan tutuklu veya hükümlü mensupları arasında veya dışarıdan örgüt mensuplarının tuttuğu avukatlar arasında görevlendirilmektedirler.

Avukatların görevleri;

Haber götürüp getirmek,

Hukuki ve psikolojik destek sağlamak,

Örgüt mensuplarını tazminat alacaklarına, işlerine geri döneceklerine inandırmak,

The indictment reveals that judges, prosecutors, and lawyers, who were imprisoned under unlawful charges, provided legal and psychological support to other detainees during their

time in prison were being accused of engaging in "acts of terrorism". Within this framework, the meetings that legal professionals had with other detainees and the legal assistance they provided have been presented as elements of a criminal offense.

For example, when legal professionals mentioned that cases could be reversed in their favour by the European Court of Human Rights (ECHR), that they could resume their work after being released, and that they could receive compensation, this was deemed an activity aimed at "maintaining the organisation's members". Such claims criminalise efforts to provide legal assistance and exercise the right to defence, undermining the principle of the rule of law.

The sanctity of the right to defence and the duty to provide legal assistance are cornerstones of the rule of law. However, with these allegations, the practice of lawyers' profession, their legitimate defence efforts and legal consultancy activities have been portrayed as criminal elements and the right to defence has been clearly violated

Charges Mentioned in the Indictment

Actions Included in the Indictment

The indictment lists the data obtained through wiretapping and technical surveillance under the heading "117 terrorist acts". However, these acts consist of ordinary social and educational activities that do not constitute a crime. In summary, the actions in the indictment can be categorized as follows:

- *Recording suspects entering and leaving houses (34 actions),*
- *Suspects organised religious and social events such as camps or programs (22 actions),*
- *Recording of telephone conversations of suspects with each other (22 acts),*
- *Technical surveillance recording of suspects to prove their relationship (18 acts),*
- *Suspects' conversations about their planned trip abroad (7 actions),*
- *Recording the meetings of suspects with each other (6 acts),*
- *Suspects paying the rent of the houses where they stayed (5 actions),*
- *Recording suspects giving food aid to each other (2 actions).* ([Annex:15 Accusations in the actions](#))

These actions are part of ordinary social life and cannot in any way be considered as terrorist organisation activities. The students' meetings, organising camps or training programs, participating in social activities (such as bowling), paying rent, providing food assistance, or planning overseas trips are all entirely within legal boundaries.

The classification of these activities as organisational actions in the indictment lacks legal basis. According to the established case law of the Court of Cassation, for an act to be considered as part of organisational activity, it must have concrete and criminal characteristics. However, the actions in question are entirely legal and everyday social activities. Labeling such activities as "terrorist acts" is far removed from legal and factual reality.

Allegation of Using Internet-Based Programs

One of the allegations in the indictment is that the suspects did not use "normal" methods of communication and communicated through internet-based programs. However, this claim contains ambiguities and errors of logic. The indictment does not clearly state which methods of communication are not considered "normal". Furthermore, it does not explain on legal grounds why this constitutes a criminal offense.

Today, technology has changed the communication habits of individuals. Internet-based communication tools (e.g. WhatsApp, Telegram, Signal, Instagram, Google Meet, etc.) are used by millions of people and have become part of contemporary communication norms. The use of these programs is an individual choice due to the conveniences offered by technology and is not indicative of any illegal activity.

If the use of internet-based programs is considered as an element of a criminal offense, it would mean declaring millions of people guilty. Choosing to use the tools provided by technology is a decision based on an individual's free will, and the assumption that this choice carries a "hidden agenda" is illogical.

The allegations in the indictment regarding "failing to communicate through normal means" and "the use of internet-based programs for covert purposes" are invalid when considering the technological realities of today and individual communication habits. These claims weaken the basis of the accusations and carry the risk of criminalizing the use of contemporary communication tools.

Allegation of Using Codenames

The use of code names is not a practice specific to terrorist organisations, but is a common method used in many social and digital environments to ensure anonymity. In order for code names to constitute a criminal offense, it must be established that these names have been used in a concrete manner in illegal activities. However, in the indictment examined, the allegations of the use of code names attributed to the defendants are mostly based on statements of effective remorse or abstract comments without concrete evidence.

In the indictment with 41 defendants, the allegation is made for only 6 people. 3 of them have stated that they use the names in question either because they are their middle names or as a personal preference. 1 person has only a one-sided witness statement. There is no evidence against 1 person. As for 2 persons, there are only one-sided allegations as their defence was not taken.

It is clear that the allegations of the use of code names in the indictment are not supported by concrete evidence, that there is no real purpose of concealing organisational identity and that these names are names used in daily life. Therefore, it is concluded that these accusations of the use of code names are not based on a serious foundation and that these allegations attributed to the defendants are not related to real organisational secrecy or illegal activities.

Allegation of Recruiting Members for the Organisation

The indictment claims that the purpose of the "student structure" that is alleged to have been established was to recruit members for an armed terrorist organisation. However, there is no concrete evidence or determination provided in the indictment to support this claim.

According to the Ministry of the Interior's report titled "The Abuse of Children and Women by the PKK/KCK Terrorist organisation,"³ dated February 2017, the PKK uses children in both its armed units and through city-based groups to participate in violent street actions, arson, reconnaissance/intelligence gathering, and other terrorist and criminal activities. According to the report, a terrorist organisation like the PKK has a clear objective of targeting children, directing them towards terrorist and violent acts, and training them as armed militants. In line with this objective, children are forced to participate in illegal street actions, attacks, barricade building, bomb planting, and other directly violent activities. The PKK's aim is to recruit militants for armed struggle.

The activities alleged in the indictment under trial, such as university students engaging with high school and middle school students in social activities, are entirely different in context when compared to the violent activities seen in the recruitment processes of an armed terrorist organisation. Social activities like bowling, visiting malls, planning trips abroad, and having religious discussions do not provide any grounds for recruiting militants for a terrorist organisation. These activities cannot even be considered illegal or violent, let alone constituting any criminal activity.

³https://www.icisleri.gov.tr/kurumlar/icisleri.gov.tr/lcSite/strateji/deneme/YAYINLAR/IÇERİK/PAK_KOCUK_almanca.pdf

Although religion- and education-focused activities are interpreted differently in the indictment based on the political context, they are fundamentally aimed at providing education and supporting students. These activities are legitimate and widely accepted as positive contributions to the development of societies, and they in no way align with violent terrorist activities. Therefore, accusing those who organise such activities of attempting to recruit members for an armed terrorist organisation is not only completely illogical, but also making the assumption that the children participating in these activities are the future armed militants of such an organisation is equally baseless.

In conclusion, the activities attributed in the indictment, such as taking care of high school and middle school students, cannot be associated with recruitment activities. This is because such activities do not have any of the elements required to recruit militants for a terrorist organisation: there is neither violence nor an illegal purpose. All of the alleged actions are legal and legitimate activities.

Allegations as to Student Homes Run by the Organisation

The indictment, which does not contain a clear definition of what constitutes a 'student home run by the organisation', includes the allegation that 4 different apartments where university students stay are as such.

First of all, the apartments mentioned in the indictment are ordinary apartments which university students or recent graduates share. This situation, which is common in every university city in Turkey, consists of places where students stay together, study and organise social activities during their education. Living together in such apartments is a natural part of educational life and does not indicate the existence of any activity connected to any organisation. No justifiable and verifiable evidence has been presented as to how activities such as holding religious conversations, organising social events or studying in these houses are based on concrete information on which the characterization of these houses as 'student home run by the organisation' is based.

There is no concrete information in the indictment on what is required for an apartment to be considered as such, nor is there any concrete data that can be taken as a source in this regard. In the light of the decisions of the Court of Cassation, in order for a place to be defined as such, certain criteria should be met. The apartments in question meet none.

The indictment mentions 117 actions based on the claim that the students staying in the student homes were involved in organisational activities. However, none of the actions presented as organisational activities took place in the houses that are alleged to be run by the organisation. It is clear from the indictment itself that there were no organisational activities at the locations in question, which shows that the accusations are baseless.

Accusations as to the Restructuring of the Organisation

One of the charges in the indictment is that the defendants established an organisation called "Beylikdüzü Female Students" and that they are members of a terrorist organisation. Within the scope of this allegation, it is claimed that female university students, girls of high school age, their parents and university graduates who teach children came together to form an organisation. However, in order for a structure to qualify as a terrorist organisation, certain legal criteria must be met.

1. Criterion of Coming Together with the Intent to Commit a Crime

A criminal organisation consists of individuals who come together for the purpose of committing a crime. Lawful social relations and activities fall outside this definition. There is no concrete evidence in the indictment that the defendants came together for the purpose of committing a crime; on the contrary, the activities, content of communication and organisations do not point to such a purpose.

2. Eligibility Criterion

For a structure to qualify as a terrorist organisation, it must be sufficient in terms of manpower, equipment and means to commit a specific offence. There is no explanation in the indictment and police reports as to which crimes the defendants came together to commit.

If there is an allegation of taking over constitutional institutions, it is necessary to examine whether the condition of eligibility has been met within the scope of this crime. The case file mentions a structure consisting of 12 young university student girls, university student girls who were in contact with these students, their parents and high school girls. The fact that the indictment does not charge any of the defendants with a simple crime in the sense of the penal code shows that the structure in question is not capable of committing a crime. Therefore, it is not possible to fulfill the eligibility requirement.

3. Criteria for Adopting Terror as a Method

According to Law No. 3713 on Combating Terrorism, for an organisation to be considered a terrorist organisation, it must have adopted force and violence as its methods. However, there is no concrete evidence in the case file to suggest that the defendants have adopted terrorism

as a method. The activities carried out are limited to education, socialization, and religious knowledge.

4. Acts of Force and Violence

The main characteristic of terrorist organisations is to intimidate the public by using force and violence and to try to achieve their political goals. The actions attributed to the defendants in the indictment consist of ordinary social activities. There is no evidence in the file that the defendants committed any act of force and violence.

5. Nature of Intended Actions

In order to qualify as a terrorist organisation, a structure must intend to target the characteristics of the Republic as set out in the Constitution or the unity of the State. However, the indictment does not present any findings or evidence that the defendants have such an aim. A general accusation is made but not supported by facts.

The allegation that an organisation was established under the name of "Beylikdüzü Female Student organisation" is legally baseless when evaluated within the scope of the above criteria. There is no concrete evidence that the defendants came together to commit crimes, committed acts of force and violence or aimed to overthrow the constitutional order. Therefore, these accusations are unlawful and baseless.

Conclusion and Recommendations

Conclusion

The Minor Girls Case is a judicial process in which legal procedures have been violated, the right to a fair trial has been ignored and the human rights of those who are involved have been blatantly violated. In the investigation and trial processes, the basic principles of domestic and international law have been violated; many unlawful practices have been identified, ranging from the methods of evidence collection to the ill-treatment of children during the detention process. In particular:

The Detention Process of the Children: The children were forcibly taken from their homes in the early hours of the morning, denied access to their lawyers and families, and interrogated under pressure and threats. This process has violated children's rights and diminished human dignity.

Evidence Collection Methods: The unlawful implementation of technical surveillance and wiretapping orders violated the right to privacy; social activities were used as evidence of crime.

Structure and Content of the Indictment: The indictment is essentially a copy of police reports and lacks concrete legal assessments. It is a lacklustre document which fails to clearly present the legal substantiation and grounds for the accusations.

Misuse of Anti-Terrorism Laws: The characterization of ordinary social and educational activities as acts of terrorism is clearly contrary to the principles of the rule of law. This case exposes the fact that the terrorism charge is used as a 'weapon' to punish innocent people.

These unlawful acts have seriously damaged not only the rights of the individuals on trial, but also the public's trust in law and justice.

Recommendations

Legal Monitoring and Support: Bar associations should appoint observer lawyers to monitor the legal proceedings of the case and intervene to ensure that the defence rights of the defendants are not violated.

Preparation of a Legal Opinion Report: The Union of Turkish Bar Associations should form an expert committee to prepare a legal opinion report on this case and share it with the public.

Children's Rights Monitoring Committee: Bar Associations' Children's Rights Centers should investigate the human rights violations experienced by children and, if necessary, reach out to international children's rights organisations.

Human Rights Based Activities: Bar associations should bring unlawfulness and human rights violations to national and international platforms and follow up on allegations of torture, especially against children.

Legislative work: Bar associations should work to bring the anti-terrorism laws in line with international standards to prevent the abuse of terrorism charges.

In conclusion

Bar associations have a key role in the protection of the rule of law and human rights. For this reason, they should take a more active role in processes where rights violations such as the Minor Girls Case take place and work effectively both at the national and international level to ensure justice.

The legal support and awareness-raising work of the Bar Associations is crucial not only in this case, but in all cases that threaten the rule of law, in order to restore public faith in justice.