

# Criminalization of Family Ties

A Systematic Human Rights Violation in Türkiye



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## **Solidarity With OTHERS**

Weiveldlaan 41 Unit D, 1930 Zaventem BELGIUM

[www.solidaritywithothers.com](http://www.solidaritywithothers.com)

[info@solidaritywithothers.com](mailto:info@solidaritywithothers.com)

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## 1. Introduction

In recent years in Türkiye, serious concerns have been raised that investigations and prosecutions conducted under the guise of combating terrorism have been carried out on the basis of individuals' social circles and, in particular, family ties, rather than whether actually they involve in criminal acts or not. The fact that this approach is also taken towards children and young people raises serious systemic issues in terms of children's rights, the presumption of innocence, and the principle of fair trial.

In this context, the wide-ranging investigation launched in Istanbul in May 2024, known publicly as the “Detained Minor Girls Case,” provides a striking example of practices in Türkiye whereby children and young women are subjected to terrorism charges on the basis of the activities of their family members in the past. Dozens of girls and young women aged between 13 and 25 have been subjected to technical police surveillance, detained, summoned for questioning, or arrested solely because of previous terrorism investigations involving their mothers or fathers, government decisions to dismiss those parents from their jobs by emergency decrees (KHK), the parents’ bank accounts at a certain private bank, or their employment history at certain private schools.

This report aims to document a common judicial practice in Türkiye, specifically in the Detained Minor Girls Case, where children and young individuals were made subjects of crime solely because of their family background and are subjected to severe measures such as technical police surveillance and criminal prosecution. It is clear from the documents and court decisions examined here that the material and moral elements of



the crime have not been established, but rather that the charges against the suspect are based entirely on her family ties, circle of family friends, and past social connections.

The mentioned practice is inconsistent with international law, specifically Articles 2, 16, and 40 of the United Nations Convention on the Rights of the Child, as well as Articles 6 (fair trial), 8 (protection of private and family life), and 14 (prohibition of discrimination) of the European Convention on Human Rights. Türkiye, as a party to these conventions, has a clear responsibility to ensure that children and young people are not criminalized solely on the basis of their family members' affiliations.

From the perspective of international law, this approach contradicts both Articles 2, 16, and 40 of the United Nations Convention on the Rights of the Child, and Articles 6 (right to a fair trial), 8 (right to respect for private and family life), and 14 (prohibition of discrimination) of the European Convention on Human Rights. As a party to these conventions, Türkiye holds a clear responsibility to ensure that children and youth are not criminalized solely due to the affiliations of their family members.

In this context, the report examines the current state of counterterrorism trials in Türkiye with a focus on the Detained Minor Girls Case, looking at the collective guilt approach, accusations made because of family ties, and violations of children's rights. The report calls on national and international legal actors to take urgent and constructive action in response to these serious rights violations.

## **2. Case of Z.B.G.: Criminal Procedure Code Articles 135 and 140 Measures Against a 12-Year-Old Child Due to Family Ties**

Z.B.G. was born in 2012 and was 12 years old at the time of the alleged criminal act. In February 2024, she was targeted in the Girls' Investigation, in which a criminal investigation was conducted against her, as a person "assessed to be involved in organizational activities," and a measure was requested to be taken against her under CPC 135 (interception of communications) and CPC 140 (surveillance using technical devices). This request was based solely on the parents' activities in the past; no concrete evidence was presented that Z.B.G. had personally been involved in any criminal activity.

The following statements were included in a report classified as "Confidential" issued by the Istanbul Police Department's Organizational Crime and Anti-Smuggling Branch on February 25, 2024:

*"Since it was assessed that the aforementioned CIC (child involved in crime) named Z.B.G. would participate in organizational activities on February 25, 2024, and since no other evidence could be obtained, since CPC Article 135 and Article 140*



*decisions were deemed necessary due to the urgency of the situation, the required instructions should be given."*

This text clearly shows that a 12-year-old child is subject to extensive technical surveillance measures based on the assumption that she would participate in an organizational activity that has not yet taken place and is only hypothetical. Without any actual allegations against her, the possibility of future actions is used as justification, which amounts to **'preventive' punishment**.

The grounds for the precautionary measure against Z.B.G. are based directly on administrative and criminal proceedings against his parents in the past. The report included the following statements:<sup>1</sup>

*"Her father, C.G., was identified as a BYLOCK user, had a significant increase in funds in his account at Bank Asya, which is affiliated with the organization, was a member of the PAK Education Workers Union, had a SGK (Social Security) registration, and was ARRESTED in relation to these."*

*"Her mother, A.G., was identified as a BYLOCK user, had financial activity in Bank Asya, and was stated to have directed students to dormitories and houses belonging to the organization."*

<p><b>1- Hedef Sahas : _____</b></p> <p><b>GÜNCEL TALEBE YAPILANMASTI</b></p> <p><b>İÇERİSİNDE ESRA(KI) _____</b></p> <p><b>İSİMLİ SAHŞIN ÖRGÜTSEL FAALİYETLERİNE KATILDIĞI TESPİT EDİLEN SSC SAHİHS</b></p>	<p>_____ ve _____</p> <p>_____ Kızı _____ 2012 doğumlu, Manisa ili _____ nüfusuna kayıtlı.</p> <p><u>Sahşın FETÖ/PDY Havuz Sörgülaması:</u></p> <ul style="list-style-type: none"> <li>- Şahıs UYAP ve KİHBİ projelerinden ARANMIYOR.</li> <li>- Bu başlık altında herhangi bir kayda rastlanılmamıştır.</li> </ul> <p><u>Aile Üyresinin FETÖ/PDY Havuz Sörgülaması:</u></p> <ul style="list-style-type: none"> <li>- Babası _____ isimli şahsın _____ User ID numaralarıyla BYLOCK kullancısı olduğu, örgüte müzahir Bank Asya'da bulunan hesabında bilinen tarihlerde _____ TL bakiye artışı bulunduğu, 667 sayılı KHK kapsamında kapatılan Pak Eğitim İş Sendikasında Üye kaydının bulunduğu, 667 sayılı KHK kapsamında Milli Eğitim Bakanlığınca çalışma izinlerini iptal edildiği, şüpheli şirketlerde SGK kaydı bulunduğu, hakkında "FETÖ/PDY Silahlı Terör Örgütü içerisinde Serreber konumunda faaliyet yürüttüğü" yönünde beyan bulunduğu, Zonguldak Cumhuriyet Başsavcılığın 2016/8178 sayılı soruşturması kapsamında TUTUKLANDIĞI tespit edilmiştir.</li> <li>- Annesi _____ isimli şahsında Soruşturma Şüphelisi Olduğu _____ User ID numaralarıyla BYLOCK kullancısı olduğu, Örgüte müzahir Bank Asya'da bulunan hesabında bilinen tarihlerde bakiye artışı bulunduğu, Şüpheli şirketlerde SGK kaydı bulunduğu, Hakkında "FETÖ/PDY Silahlı Terör Örgütüne ait yurt ve evlere öğrenci yönlendirdiği" yönünde hakkında 1 adet beyan bulunduğu tespit edilmiştir.</li> </ul>
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These statements reveal that the only grounds offered for monitoring or interrogating Z.B.G. were records and testimonies from years ago related to her parents. These non-personal, indirect pieces of information were used to restrict the child's personal freedom.

The judicial methods applied in this case are highly problematic in terms of both domestic law and international child rights norms:

- Articles 135 and 140 of the Criminal Procedure Code (CPC) are severe technical surveillance measures and must be applied within the framework of strong criminal suspicion, necessity, and proportionality. Applying such measures to a 12-year-old child without a concrete criminal-act based accusation is clearly unlawful.



- No data has been presented indicating the child's involvement in any organizational activity to justify interrogation or technical surveillance. The law enforcement authorities have requested serious measures based solely on a speculative future projection.
- There is no data concerning the child such as BYLOCK usage, social security records, association membership, testimony, camera footage, phone signals, or bank transactions. The only justification for the application of CPC measures consists of abstract information concerning her mother and father.

The case of Z.B.G. is one of the most striking examples of children being targeted under criminal suspicion solely because of their family background. Subjecting a 12-year-old child to technical surveillance measures not only violates the principle of individual criminal liability but also constitutes an open declaration of distrust toward the juvenile justice system.

### 3. Case of M.A.: 16-Year-Old Girl Charged with Membership in an Armed Terrorist Organization Based on Family Ties

Q 16-year-old minor named M.A., who was questioned as a “child dragged into crime” (CDC), was included in the investigation solely due to her family ties.

In the police “Target Individual Report” prepared during the investigation phase, under the heading “FETÖ/PDY Database Inquiry of Family Members,” the following information was recorded:

*“It has been determined that the father of the individual, named M.A., had an increase in balance in an account held at Bank Asya, known to be affiliated with the organization; that he had a membership record in the PAK Eğitim İş Union, which was shut down under Decree-Law No. 667; and that her mother, K.A., was registered as a founding member of the ‘AHENK INTERNATIONAL STUDENT ASSOCIATION,’ which was also closed under Decree-Law No. 667.”*

HEDEF S.S.	İSİMLİ SAHİS HAKKINDA TANZİM EDİLEN RAPOR
GÜNCEL TALEBE:	YAPILANMASI
İÇERİSİNDE	İÇERİSİNDE
ÖRGÜTSEL KAMP	ÖRGÜTSEL KAMP
FAALİYETLERİNE	FAALİYETLERİNE
KATILIMLI TESBİT	KATILIMLI TESBİT
EDİLEN SSC SAHİS	EDİLEN SSC SAHİS
	<p>Sahibi: FETÖ/PDY Hatıraz Soruşturması:</p> <ul style="list-style-type: none"> <li>- Şahın UYAP ve KİHİ projelerinden ARANMIYOR.</li> <li>- Bu başlık altında herhangi bir kayda rastlanılmamıştır.</li> </ul> <p>Akte: Bireylerinin FETÖ/PDY Hatıraz Soruşturması:</p> <ul style="list-style-type: none"> <li>- Babası: [Redacted] isimli şahın; örgüte mütahit Bank Asya'da bulunan hesabında bakiye artışı bulunduğu,</li> <li>- 667 sayılı KHK kapsamında kapatılan Pak Eğitim İş Sendikasında üye kaydının bulunduğu,</li> <li>- Annesi: [Redacted] isimli şahın 667 sayılı KHK kapsamında kapatılan "AHENK ULUSLARARASI ÖĞRENCİ DERNEĞİ" Kütük No: 34-220-047" isimli dernekte Kurucu kaydının bulunduğu tespit edilmiştir.</li> </ul> <p>YÖK'ün Soruşturması:</p> <ul style="list-style-type: none"> <li>- Bu başlık altında herhangi bir kayda rastlanılmamıştır.</li> </ul> <p>MERNİS ADRESİ:</p> <p>[Redacted] İSTANBUL</p>

M.A. was subjected to prolonged physical and technical surveillance, her phones were wiretapped, and her movements were monitored by police cameras. She was detained on May 7, 2024, together with her mother and two sisters, and after three days in custody, she was released under judicial control on May 9, 2024.



On June 26, 2024, an indictment was filed against M.A., and a public prosecution was initiated on charges of membership in an armed terrorist organization. All of the so-called nine 'terrorist acts' attributed to M.A. in the indictment consisted solely of study sessions or social-religious activities carried out either in the presence of or with the permission of her parents.

## 4. 14 Girls Detained Under the Pretext of "Information Gathering" Due to Family Ties

In the Detained Minor Girls Case, the use of information about parents as grounds for investigation or interrogation is not limited to the individual cases of Z.B.G. and M.A.

On May 7, 2024, within the scope of an operation, 14 girls aged between 13 and 17 were taken into custody under the pretext of "information gathering" and brought to the Istanbul Police Department, where their statements were taken without the presence of their lawyers. These children, who were denied access to their families and legal representatives for 16 hours, were not subjected to judicial procedures based on their own personal acts but rather based on records related to their parents' social, professional, and financial background.

1. **K.E.:** None of the questions asked during the interrogation of K.E., born in 2010, relate to any allegations against her personally; the investigation is based solely on the past activities of her mother, M.E., and father, M.E.

*"In the investigation of minor children found to have participated in the above-mentioned houses, it was determined that K.E. (daughter of suspect M.E., who was previously the resident of the house where the organizational program was held), born in 2010, had a father, M.E., who was arrested in the investigation file 2016/2088 by the Istanbul Chief Public Prosecutor's Office. He was also a board member of the Çatalca Erguvan Education and Culture Foundation, which was shut down by Decree-Law No. 667 due to alleged affiliation with the organization. He had a bank account at Bank Asya and was a company executive. Testimonies indicated that he attended gatherings with tradesmen during FETÖ/PDY investigations nationwide."*

2. **A.E.:** A.E., the sibling of K.E., also born in 2010 and detained on the same day, was processed solely for accompanying her mother M.E. to a shopping mall in Esenyurt. A routine visit to a mall was made the basis of questioning, and the following questions were asked:

*"According to the CD analysis report read to you, it was determined that during the specified date and time range, you came to Akbatı Shopping*



*Mall located at Koza neighborhood, Esenyurt District, with your mother M.E. Who directed you to this address? Who assisted you at this shopping mall? What kind of activity did you engage in at this location? Please explain in detail what you know."*

3. **E.A.:** The child named E.A., born in 2011, was interrogated solely because she was caught in physical surveillance alongside her mother entering a residential complex. The questions posed to the child focused not on any criminal act but solely on her mother's movements:

*"According to the physical surveillance report read to you, it was determined that you came to the residential site named Manzara Vadi with your mother K.A. during the specified date and time. Who directed you to this address? Who assisted you at this residence? What kind of activity did you engage in at this location? Please explain in detail what you know."*

4. **C.N.Y.:** Born in 2007, C.N.Y. was interrogated on the grounds that she entered a residential site with her father M.F.Y. This visit was used to justify her questioning, and the child was forced to explain her presence at the location in detail.

*"According to the CD analysis report read to you, it was determined that you came to the residential site named MakYol Central with your father M.F.Y. during the specified date and time. Who directed you to this address? Who assisted you at this residence? What kind of activity did you engage in at this location? Please explain in detail what you know."*

5. **N.Z.B.:** The justification for including N.Z.B., born in 2007, in the investigation is entirely based on the past activities of her parents, A.B. and Y.B. There is no direct criminal accusation against her, but her physical presence at a location with her mother was made the subject of interrogation.

*"N.Z.B. (daughter of suspect A.B.), born in 2007. Her mother, A.B., was found to have used BYLOCK, had SGK registration at a suspect company, was processed in file 2018/165918 by the Istanbul Chief Public Prosecutor's Office, and released under judicial control. Her father, Y.B., also had SGK registration at the same suspect company.*

*According to the CD analysis report read to you, it was determined that you came to the address Bizim Evler Site 6, Ayçiçek Street, Tahtakale Neighborhood during the specified date and time. Who directed you to this address? Who assisted you at this residence? What kind of activity did you engage in at this location? Please explain in detail what you know."*

6. **N.Z.B.:** In the case of N.Z.B., the other daughter of A.B., born in 2008, her mere physical presence at a location was made the subject of interrogation.



*"According to the CD analysis report read to you, it was determined that you came to the address Akören Village, Sağlık Street, No:37 - Silivri/ISTANBUL during the specified date and time. Who directed you to this address? Who assisted you at this residence? What kind of activity did you engage in at this location? Please explain in detail what you know."*

7. **B.M.:** B.M., born in 2010, was interrogated merely for entering a residential complex with her family. The investigation documents reveal that her father was flagged due to membership in certain associations and undergoing criminal investigation, while her mother was coded as affiliated with the organization due to transactions at Bank Asya. However, none of this data involved any direct act by the child.

*"B.M. (daughter of suspect E.M.), born in 2010. Her father, M.M., was processed in investigation files 2016/160132 and 2016/152709 by the Istanbul Chief Public Prosecutor's Office. He had membership in Gıda İhtisas Industrialists and Businessmen's Association and Marmara Business Life Federations, both shut down under Decree-Law No. 667 due to organizational affiliation. Her mother, E.M., had suspicious account activities at Bank Asya during the period when organizational leader Fethullah GÜLEN called for deposits into the bank."*

*According to the CD analysis report read to you, it was determined that you came to the Manzara Vadi Site in Karaağaç neighborhood, Büyükçekmece district, with your mother E.M. during the specified date and time. Who directed you to this address? Who assisted you at this residence? What kind of activity did you engage in at this location? Please explain in detail what you know."*

8. **S.E.:** In the proceedings carried out against S.E., no personal act or behavior that could constitute a criminal offense was cited; the investigation was entirely based on the past activities of the child's parents. Nevertheless, S.E. was interrogated solely for having gone to a shopping mall.

*"S.E., born in 2008, it was understood that the person named E.E., the mother, had a membership record in suspicious associations, and the person named O.E., the father, had a record of increased funds in his account at Bank Asya Participation Bank between 31.12.2013 and 24.12.2014, upon the order of Fethullah GÜLEN, the leader of the FETÖ/PDY Armed Terrorist Organization."*

*According to the CD Review Protocol read to you, it was determined that on the mentioned date and time, you came to the AMF Bowling and Entertainment Center located on the ground floor of Marmara Park Mall. Who directed you to this shopping center? Who accompanied you at this*



*shopping center? What activity did you engage in at this shopping center? Please explain in detail what you know."*

9. **B.B.:** In the proceedings conducted against B.B., born in 2010, no personal act or behavior that could incur criminal responsibility was cited; the investigation was shaped entirely based on the past records of the parents. B.B. was interrogated solely for having entered a residential complex.

*"B.B., born in 2010, it was determined that judicial action was taken against the person named Ü.B., the father, within the scope of investigation No. 2018/108887 by the Istanbul Chief Public Prosecutor's Office; that there were suspicious account transactions at Bank Asya during the period when the leader of the organization, Fethullah GÜLEN, had allegedly ordered deposits; that he had a membership record in the Pak Tekstil İş Union closed by Decree Law No. 667 due to being affiliated with the organization; and that both the father and mother had SGK records in companies affiliated with the organization.*

*According to the CD Review Protocol read to you, it was determined that you came to the residential complex called Manzara Vadi Site located in Karaağaç Neighborhood, Büyükçekmece District, on the specified date and time. Who directed you to this residence? Who accompanied you at this residence? What activity did you engage in at this residence? Please explain in detail what you know."*

10. **H.B.:** The investigation directed at H.B., born in 2007, was based directly on an increase in funds in the mother's Bank Asya account and on the fact that the child physically went to a specific address.

*"Although the pool was clean; it was included in the investigation documents that the person named N.B., the mother, was among those who had an increase of ... TL in their accounts at Bank Asya, which is affiliated with the organization, during the specified dates.*

*According to the CD Review Protocol read to you, were you present at the address located on Florya Street, Bakırköy, during the specified date and time? If so, was there someone who directed you to the individuals whose identities are provided above? What kind of connection do you have with these individuals? What activity did you engage in with these individuals during the specified period? Please explain in detail what you know."*

11. **S.N.S.:** The interrogation directed at S.N.S., born in 2008, was based solely on whether the child would provide information about a person introduced to them by the mother for study purposes.



*"Do you recognize the person whose photo was shown and information was read aloud? Have you ever met them face-to-face or spoken on the phone? Do you have any contact? If you have met, please provide detailed information about this meeting."*

12. **A.S.Ş.:** The proceedings conducted against A.S.Ş., born in 2007, were not based on the child's own actions but rather linked to the past administrative and criminal proceedings against the father K.D.Ş. There is no act personally attributed to A.S.Ş. The only reason for the interrogation was the child's visit to an address.

*"A.S.Ş., born in 2007, judicial action was taken against the person named K.D.Ş., the father, within the scope of investigation No. 2018/178449 by the Istanbul Chief Public Prosecutor's Office, and he was arrested. He had SGK records in companies affiliated with the organization between October 2004 and October 2015, and his name was found in BYLOCK communication content and identified as a BYLOCK user."*

*According to the CD Review Protocol read to you, it was determined that you came to the building located at the address in Gülpınar Neighborhood, Beylikdüzü District, on the specified date and time. Who directed you to this residence? Who accompanied you at this residence? What activity did you engage in at this residence? Please explain in detail what you know."*

13. **F.A.Ç.:** The proceedings conducted against F.A.Ç., born in 2007, were not based on any evidence related to the child's personal conduct, but rather on the past social and professional status of the parents.

*"F.A.Ç., born in 2007, it was determined that the person named H.Ç., the mother, had SGK records in a suspicious company; and there was a statement indicating that the father, H.Ç., was involved in the FETÖ/PDY Armed Terrorist Organization."*

*According to the CD Review Protocol read to you, it was determined that you came to the address in Akören Village, Silivri District, on the specified date and time. Who directed you to this residence? Who accompanied you at this residence? What activity did you engage in at this residence? Please explain in detail what you know."*

14. **F.N.Z.G.:** The interrogation directed at F.N.Z.G., born in 2008, was not based on any personal criminal accusation, but solely on the fact that the child went to an address under the guidance of the family and on the claims regarding their presence there.

*"According to the CD Review Protocol read to you, it was determined that you came to the building located at the address in Gülpınar Neighborhood,*



*Beylikdüzü District, on the specified date and time. Who directed you to this residence? Who accompanied you at this residence? What activity did you engage in at this residence? Please explain in detail what you know."*

When the records in the investigation files are examined, it is seen that the questions directed at the children are largely related to:

- Their parents having accounts at Bank Asya,
- Previous proceedings having been conducted against parents,
- Their parents having worked in associations or foundations that were shut down,
- Their parents' SGK (Social Security Institution) records being found in companies alleged to be affiliated with the organization,
- Parents being flagged as BYLOCK users.

The mere fact that the children are biologically related to these individuals has led to their interrogation and to their criminalization due to having gone to addresses associated with the organizational structure. However, these addresses were often shopping malls, residential complexes, or social spaces, and the children went to these places accompanied by their parents.

The above examples demonstrate that children have been included in the criminal process solely as an extension of their familial background, without any organizational affiliation, propaganda activity, or involvement in a crime. The frequently asked questions during interrogations such as, "Who directed you to this address?", "What kind of activity did you engage in at this address?", "Did you meet with this person you know?" show that suspicion is attempted to be produced merely through spatial contacts and acquaintance relations.

These practices are in clear violation of one of the universal principles of criminal law — the principle of individual criminal responsibility, the presumption of innocence, and the principle of proportionality.

## **5. Using Family Ties as Grounds for Launching Investigations**

In the Detained Minor Girls Case, there is concrete evidence indicating that individuals were targeted solely because of their family ties. One of the primary justifications for including the majority of young women — most of whom are university students — in the investigation and prosecuting them for alleged membership in an armed terrorist organization is the supposed affiliations of their parents or close relatives with the organization in question.



In particular, the "Target Person Reports" prepared by law enforcement at the investigation stage for 15 young girls aged between 18 and 25 include the following information under the heading "Family Members' FETÖ/PDY Pool Inquiry":

1. **"H.E. (born 2006):** Her father, A.E., was arrested within the scope of Istanbul Chief Public Prosecutor's Office investigation no. 2016/2088 related to FETÖ/PDY; he was a board member of the Erguvan Education and Culture Foundation (shut down under Decree-Law no. 667), and a shareholder of the suspicious company ERKONUT Engineering, whose Bank Asya account showed a balance increase of ... TL.
2. **S.T. (born 2006):** Her mother, S.T., showed a balance increase during known dates in Bank Asya.
3. **A.Z.B. (born 2005):** Her father, Y.B., had SGK records in suspicious companies; her mother, A.B., was identified as a BYLOCK user under ... User ID, had SGK records in a suspicious company, and was released under judicial control within investigation no. 2018/165918 by the Istanbul Chief Public Prosecutor's Office.
4. **Z.Z.Y. (born 2005):** Her father, M.Y., was dismissed from his position as a health officer at Tokat Zile State Hospital under Decree-Law no. 672; he had one suspicious statement against him and was released under judicial control under investigation no. 2016/1175. Her mother, Y.Y., was dismissed from her position as a nurse at the same hospital under Decree-Law no. 675; she had five suspicious statements against her, and her Bank Asya account showed a balance increase during known dates.
5. **N.Z.D. (born 2004):** Her father, K.D., was identified as a BYLOCK user under ... User ID, had a joint Bank Asya account with balance increase, was dismissed from his job as a teacher under Decree-Law no. 672, and arrested under investigation no. 2016/5224. Her mother, F.D., was identified as a BYLOCK user under ... User ID, had joint account activity, and was released under judicial control in investigation no. 2019/3512.
6. **F.A. (born 2004):** Her father, A.A., was a BYLOCK user under ... User ID, had SGK records in suspicious companies, and was dismissed from his teaching position under Decree-Law no. 672. He had one suspicious statement and was a fugitive under investigation no. 2016/14296. Her mother, D.A., had SGK records in a suspicious company, was dismissed under Decree-Law no. 675, and was arrested under the same investigation.



7. **Z.U. (born 2004):** Her father, F.U., was arrested under investigation no. 2018/175200, and was identified as a BYLOCK user under ... User ID.
8. **T.S.Ş. (born 2003):** Her mother, G.Ş., had a Bank Asya account with a balance increase during known dates.
9. **H.K. (born 2003):** Her father, S.K., was a BYLOCK user, served as the audit board chairperson at the "Ergani Educators Association" closed under Decree-Law no. 667, was dismissed as a teacher under Decree-Law no. 672, and was arrested under investigation no. 2017/2636.
10. **F.N.M. (born 2002):** Her father, M.M., had a Bank Asya account with increased balance, was arrested under investigation no. 2016/1627. Her mother, B.M., also had an account with increased balance and underwent judicial proceedings under investigation no. 2018/3146. Her sibling, F.E.M., also had a Bank Asya account with increased balance.
11. **E.A. (born 2002):** Her father, H.İ.A., had a Bank Asya account with a balance increase and was processed under investigation no. 2016/11723 by the Kahramanmaraş Chief Public Prosecutor's Office.
12. **E.B.Ç. (born 2002):** Her mother, H.Ç., had SGK records in suspicious companies; her father, H.Ç., had four suspicious statements filed against him.
13. **Z.S.A. (born 2001):** Her mother, H.A., had a Bank Asya account with a balance increase and was a member of the Nilüfer Education and Culture Association, closed under Decree-Law no. 667. Her father, A.A., also had a Bank Asya account with a balance increase.
14. **R.Ç. (born 2000):** Her father, C.Ç., was listed as a founding member, vice president, and board member of the "Güvercintepe Youth Association," which was closed under Decree-Law no. 667.
15. **Z.Ş.T. (born 2000):** Her mother, A.T., had a Bank Asya account with a balance increase during known dates."



As can be seen from the information above, the past social, economic, and professional activities of the children's parents or close relatives have been considered as "evidence of organizational affiliation." The findings listed under the heading "Target Person Reports" prepared by law enforcement carry controversial characteristics in terms of criminal law principles. The allegations can essentially be grouped under the following categories:

1. **Use of BYLOCK:** It has been claimed that many parents were recorded as users of the application named BYLOCK, which became publicly known in 2017 and was subject to court decisions. The user ID numbers registered in the system for these individuals are included in the reports; in some cases, both the mother and the father are noted as users simultaneously.
2. **Bank Asya Accounts and Balance Increases:** The investigation documents state that some family members held accounts in Bank Asya in past years, and that those accounts showed increases in Turkish Lira balances at specific dates.
3. **Membership in Associations and Unions, Managerial Roles:** It has been reported that some parents were founders, board members, members, or auditors in associations, foundations, and unions that were shut down by statutory decrees (KHK). All such memberships pertain to periods when these entities were legally active.
4. **Dismissal from Public Office:** It is noted that many parents were dismissed from public duties such as teaching, health officer, or nursing by emergency-decrees (KHK). This fact itself is considered an extension of the alleged offenses, with the dismissal decisions being treated as evidence.
5. **Judicial Proceedings, Detention, and Fugitive Records:** Some family members were subject to criminal investigations in the past, some were arrested, and others released under judicial control. In one case, a father was marked with a "fugitive" status. However, these proceedings often did not result in final convictions and remained at the investigation or precautionary stage.
6. **Suspect/Witness Statements:** There are statements allegedly made about some individuals regarding "membership in the organization," and these statements were used in criminal investigations. However, the content, truthfulness, and evidentiary value of these statements in judicial proceedings are highly debatable.



- 7. Company Affiliations and SGK (Social Security) Records:** It has been alleged that some parents had SGK records in entities defined as “companies affiliated with the organization.” However, it must not be forgotten that these companies were legally registered and operated under public oversight during their active periods.

All the activities summarized above are based not on the personal actions of the children themselves, but on the social circles and past legal activities of their family members. This approach is incompatible with the principle of individual criminal responsibility in criminal law. The reflection of parents’ personal histories into an organizational membership case conducted against their children as indirect evidence indicates serious violations in terms of the right to a fair trial and the presumption of innocence.

## 6. Considering Family Ties as Criminal Evidence for Arrest Decisions and the Indictment

As part of the operation carried out on 7 May 2024, many young women aged between 18 and 25 were taken into custody; on 10 May 2024, they were arrested by the Istanbul Criminal Judgeships of Peace on charges of “membership in an armed terrorist organization.” However, when examining the justifications in the arrest decisions, it is seen that the evidence provided is not based on the material elements of the alleged crime but on the past legal statuses of family members.

*“Indeed, it is seen that the suspects, especially their first-degree relatives, have been prosecuted / subjected to legal action within the scope of the terrorist organization...”* (Criminal Judgeship of Peace Reasoning – 10 May 2024)

This statement reveals that, instead of the suspects’ individual actions, the judicial history of their relatives was considered sufficient for suspecting them of a crime. Such an assessment directly contradicts the principle of individual criminal responsibility and shows that a person has been held criminally liable due to their family ties.

*“All the students with whom she was involved organizationally are children of families against whom legal action has been taken due to FETÖ/PDY Armed Terrorist Organization...”* (Criminal Judgeship of Peace Reasoning – 10 May 2024)

This statement also shows that the reason why these children have become the “organizational interest” was solely the previous investigations carried out against their parents. Thus, the children are categorized as potential criminals not because of their own actions, but due to their family background.



In the ongoing judicial process, it is observed that the 516-page indictment issued by the Istanbul Chief Public Prosecutor's Office on 1 June 2024 bases the accusation of organizational membership against the detained young women not on their individual actions or direct organizational activities, but rather on their family ties.

In many places within the indictment, previous investigations, administrative measures, and the social circles of the suspects' families are used as evidence of organizational affiliation. In this context, the following types of expressions are used:

*"...almost all the students participating in organizational programs have families affiliated and associated with the FETÖ/PDY Armed Terrorist Organization..." (from the indictment dated 1.06.2024)*

Ayrıca [redacted] isimli şahsın ise Yurt Dışındaki bir Üniversiteden mezun olduğu ve Özel Sektörde İngilizce Öğretmenliği yaptığı hususu göz önüne alındığında olay anlatımında görüleceği üzere ilgilendiği ilköğretim seviyesindeki öğrencilere dini konuları suiistimal ederek örgütün ideolojisini işlemeye çalıştığı anlaşıldığından, Şüphelinin dini konularla ilgili herhangi bir ihtisasının olmadığı, ilgilendiği ve yapmış olduğu örgütsel programlara katılım sağlayan öğrencilerin de hemen hemen hepsinin ailelerinin FETÖ/PDY Silahlı Terör Örgütü ile irtibatlı ve iltisaklı olması ve öğrencilerin aileleri ve kendileri ile normal yollardan iletişim sağlamamaması ve aralarında herhangi bir akrabalık, yaşıtlık ve hemşerilik vb. olmaması yapılan örgütsel faaliyetlerin Örgütün Güncel Yanılanması kapsamında gerçekleştirildiği.

This approach is incompatible with the principle of individual criminal responsibility, which forms the foundation of Turkish criminal law. Criminal liability arises solely from one's own intent, act, and fault. According to Article 38 of the Constitution and the systematic structure of the Turkish Penal Code, a person cannot automatically be accused of organizational membership based on their parents' or relatives' past prosecutions or administrative records.

However, even in the evaluations of individuals with no organic connection to the organization, the prior proceedings or affiliations of family members form the basis of the accusation. Thus, it becomes evident that the charge is not structured upon personal responsibility but rather on lineage-based collective reasoning. This turns the criminal proceedings into an assumption-based process that relies on past social ties and family background, rather than on the individual's own conduct.

Therefore, these kinds of statements frequently encountered in the indictment demonstrate that the suspects are accused not through the material elements of a crime, but through a chain of suspicion built upon their family history. This systematically violates the right to a fair trial, the presumption of innocence, and the principle of personal criminal responsibility.



## 7. Conclusion and Recommendations

This file reveals that in Türkiye, particularly within the scope of investigations conducted under the accusation of “membership in a terrorist organization,” children and young people have been subjected to judicial proceedings not because of their individual behavior, but due to their parents’ past social and professional positions. In all stages such as detention, arrest, technical surveillance, and interrogation, the justification of “family ties” is at the forefront. This practice is highly problematic not only from a legal perspective but also pedagogically, psychologically, and sociologically.

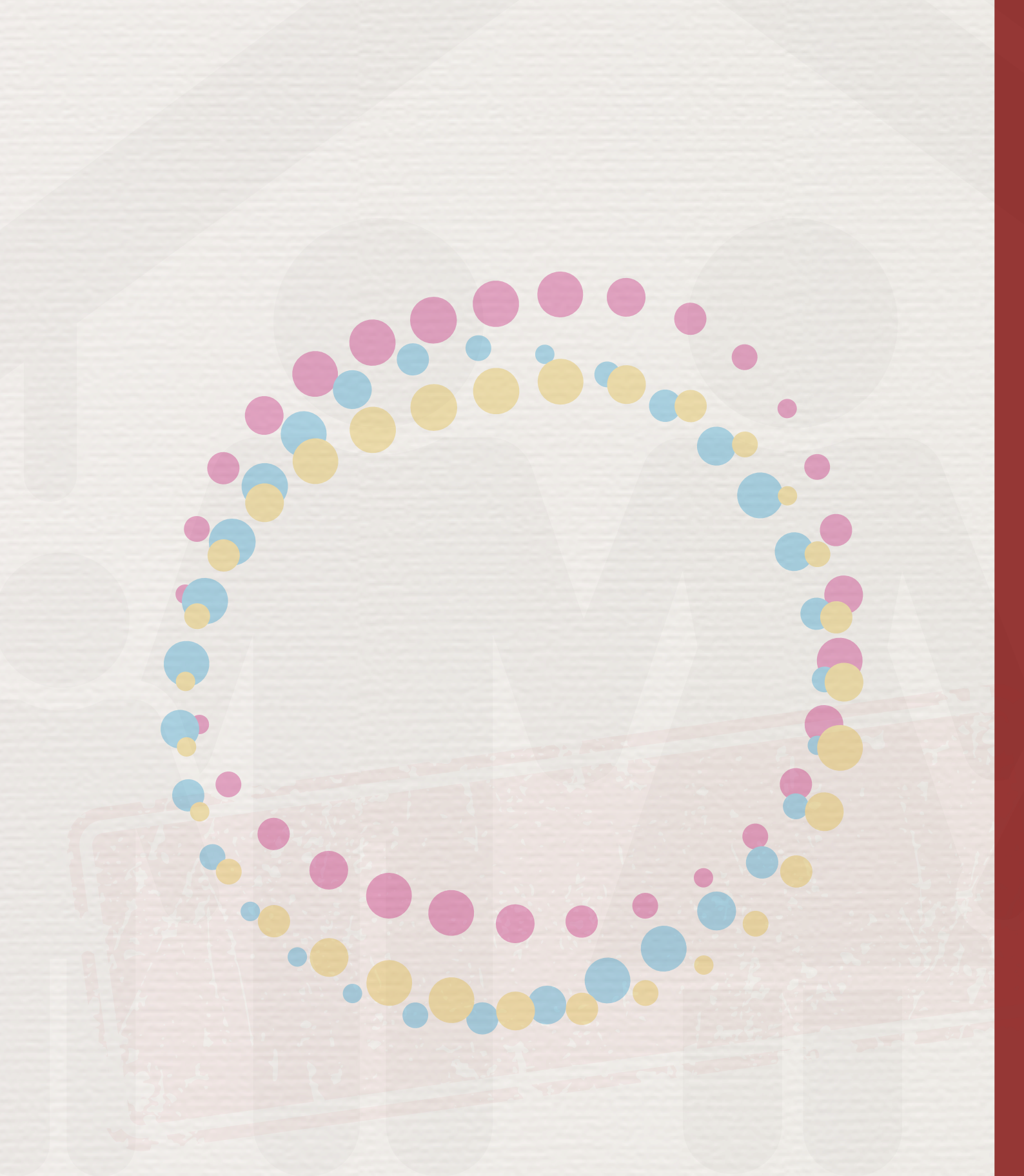
The responsibilities falling upon the international community and human rights mechanisms are as follows:

- **Monitoring and Reporting:** Institutions such as the Council of Europe, the United Nations Committee on the Rights of the Child, and the UN Committee Against Torture should monitor the investigation and arrest practices targeting children in Türkiye and publish dedicated reports.
- **Agenda-Setting in Inter-State Dialogues:** European Union institutions and member states should raise this systematic problem as a specific agenda item during their political and legal dialogue processes with Türkiye and demand an end to practices that violate the principle of individual criminal responsibility.
- **Psychological Support and Rehabilitation:** International support mechanisms should be activated for the children who have been victimized; independent assistance must be provided for psychological support programs and counseling services.
- **Reconstruction of Criminal Justice:** Reform calls should be made through international legal platforms to realign Türkiye’s criminal justice system with its fundamental principles. Issuing judicial decisions based on family background is unacceptable in any modern legal system.









**Solidarity With OTHERS**

Belgium, 2025

[www.solidaritywithothers.com](http://www.solidaritywithothers.com)

[info@solidaritywithothers.com](mailto:info@solidaritywithothers.com)