

Submission

to The OSCE Office for Democratic Institutions and Human Rights (ODIHR)

on OVERSIGHT OF HUMAN RIGHTS COMPLIANCE OF STATE MEASURES TO
PREVENT AND COUNTER TERRORISM

March 2026

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Introduction

This submission is respectfully provided by **Solidarity With OTHERS**¹ in response to the Open Call for Inputs² issued by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) regarding the oversight of human rights compliance in state counter-terrorism measures (OSCE Office for Democratic Institutions and Human Rights, 2026). Drawing upon forensic research, documented case data, and international legal findings, this input identifies a profound collapse in security sector accountability within Turkey. Central to this submission is the documentation of a “Circular Abuse” system—a self-reinforcing cycle involving law enforcement, the prosecution, and the judiciary that effectively bypasses internal and external oversight to criminalise lawful social, familial, and commercial activities (Solidarity With OTHERS, 2024b, 2024c). Furthermore, this submission highlights how Turkey has exported this domestic repression into the global sphere through a sophisticated campaign of transnational repression and financial weaponisation, threatening the comprehensive security of the OSCE region (PACE, 2023; instituDE, 2024).

¹ <https://solidaritywithothers.com/>

² Call for inputs: Oversight of human rights compliance of state measures to prevent and counter terrorism. (n.d.). OSCE. <https://odihr.osce.org/node/661537>

1. Engagement/Own Activity

Solidarity With OTHERS is a registered Belgian non-profit organisation dedicated to monitoring and documenting systemic human rights violations in Turkey, with a specialist focus on the weaponisation of counter-terrorism (CT) legislation (Solidarity With OTHERS, 2025a). Our work involves the forensic analysis of police investigation reports, judicial indictments, and the decisions of administrative bodies to identify structural gaps in state accountability (Solidarity With OTHERS, 2024b). We maintain the “Turkey Rights Monitor,” a database providing quantitative analysis of terrorism-related investigations[3], which has tracked over 2.4 million individuals prosecuted since 2016 (Solidarity With OTHERS, 2025e).

Our activity extends to providing empirical evidence to international mechanisms, including **UN Special Rapporteurs** and the **Working Group on Arbitrary Detention**, regarding the criminalisation of family ties and the use of torture against minors (UN Special Rapporteurs, 2024, 2025). We also document the discriminatory implementation of penal execution regimes, such as the arbitrary denial of parole to political prisoners (Solidarity With OTHERS, 2025d).

Significantly, our organisation has directly experienced the “financial ostracisation” we monitor. Following the Erdoğan government’s publication of arbitrary asset-freeze lists, our own institutional bank accounts in Europe were abruptly closed, illustrating how Turkish influence operations exploit the risk-averse nature of Western financial institutions to silence human rights defenders abroad (instituDE, 2024).

2. Barriers, Gaps and Challenges

The primary barrier to human rights compliance in Turkey is a phenomenon we term “**Circular Abuse.**” This represents a total failure of the checks and balances intended to provide security sector oversight (Solidarity With OTHERS, 2024c).

- **Institutional Collapse and Forged Evidence**

Law enforcement agencies produce “Briefing Notes” containing fabricated terminology—such as “Sacrifice Group” or “Dreamers”—which are circulated through state databases to create a veneer of legitimacy (Solidarity With OTHERS,



2024b). Prosecutors routinely adopt these disorganised police assessments via a “copy-paste” method, turning routine social interactions into bulky indictments (Solidarity With OTHERS, 2025b). Judges then issue arrest warrants based on these qualitatively empty files, and these judicial decisions are subsequently used to justify further police operations, closing the loop of abuse (Solidarity With OTHERS, 2024c).

- **Impunity for Intelligence Services**

A major oversight gap exists within the **MiT Law (Law No. 6532)**. Article 6 allows the National Intelligence Organisation to halt judicial actions or protection measures if it certifies a matter is related to its duties (UN Special Rapporteurs, 2024). This creates a culture of complete impunity, where intelligence actors can engage in intrusive surveillance, abductions, and the generation of untested digital evidence without judicial review (UN Special Rapporteurs, 2024; Solidarity With OTHERS, 2025f).

- **Transnational Repression and the Global "Hit Man" Economy**

Turkey has emerged as one of the most prolific perpetrators of transnational repression in the OSCE region (PACE, 2023). This includes:

- **Extra-legal Transfers:** The state engages in systemic extraterritorial abductions and forced returns, facilitated by secret bilateral security agreements (UN Special Rapporteurs, 2024).
- **The "Grey List" Incentives:** Turkey publishes "terrorist wanted lists" on public websites, offering monetary rewards (up to 500,000 TL) for the apprehension of dissidents, including journalists and judges. This incentivises false accusations and has created a dangerous "hit man" economy both domestically and abroad (UN Special Rapporteurs, 2024).
- **Misuse of INTERPOL:** The state issues unfounded **Red Notices** to tarnish reputations and trigger financial scrutiny, even when INTERPOL's internal mechanisms block the actual arrest (institute, 2024).

· **Financial Weaponisation and Sanctions Abuse**

Turkey is ranked among the world's leading violators of human rights through its sanctions programme (Atlantic Council, 2021). The government exploits **Law No. 7262** and international **Anti-Money Laundering (AML)** standards to target civil society.

- **Watchlist Poisoning:** The administration feeds politically biased data into global watchlists (e.g., World-Check). Western banks, relying on **Artificial Intelligence (AI)** for risk assessment, frequently label these dissidents as "high-risk" and close their accounts without due process (instituDE, 2024).
- **Arbitrary Asset Freezes:** Turkey designates individuals as "terrorist financiers" for routine acts like paying rent or employment in a specific franchise (Solidarity With OTHERS, 2025a). The state provides no clear listing criteria, no qualifying evidence, and **no legal avenue to challenge a designation**, effectively conducting "government-organised theft" (Atlantic Council, 2021; instituDE, 2024).
- **Lineage-Based Liability and the Mistreatment of Minors**

A critical oversight gap is the shift toward **"guilt by association."** In the "Detained Minor Girls Case" (2024), children were targeted solely for the past professional or social history of their parents (Solidarity With OTHERS, 2025b). Minors were subjected to pre-dawn raids and **16-hour interrogations** without legal counsel, with some children reportedly threatened with beatings to "make them vomit blood" to extract testimony against their families (UN Special Rapporteurs, 2024, 2025).

- **Defiance of the ECHR**

The judiciary has systematically refused to implement the **ECtHR's Grand Chamber judgment in *Yüksel Yalçınkaya v. Türkiye*** (2023). Courts continue to treat the mere use of an encrypted messaging app (ByLock) as an automatic presumption of guilt, violating the principle of "no punishment without law" and rendering the right to a fair trial under

Article 6 ECHR illusory (Solidarity With OTHERS, 2025f; UN Special Rapporteurs, 2024).

3. Recommendations and Good Practices

To address these oversight gaps and realign domestic practice with universal human rights standards, we recommend the following:

1. **Restoration of Individual Responsibility:** The government must immediately cease the "guilt by association" practice and realign its interpretation of Article 314 TPC with the **ECtHR's *Yalçinkaya* precedent**. Lawful activities, such as maintaining a bank account or using messaging apps, must never serve as the sole or decisive basis for terrorism convictions (Solidarity With OTHERS, 2025f; UN Special Rapporteurs, 2025).
2. **Accountability for Intelligence Services:** Repeal Article 6 of the MiT Law to ensure that intelligence actors are subject to independent judicial oversight and cannot halt investigations into human rights abuses (UN Special Rapporteurs, 2024).
3. **Vetting of International Requests:** OSCE participating States should apply additional vetting to all extradition requests and INTERPOL Red Notices originating from states with a documented track record of transnational repression (PACE, 2023; instituDE, 2024).
4. **Reform of the Sanctions Framework:** Turkey must be urged to adopt the **"Four Pillars of Sanctions"**: (i) clear and public listing criteria; (ii) public notice and qualifying evidence; (iii) a formal legal avenue to challenge designations (delisting); and (iv) clear procedures for resolving false positives (Atlantic Council, 2021).
5. **Protection of Civil Society from CFT Measures:** Repeal or amend Law No. 7262 to ensure that anti-terrorism financing measures follow a targeted, risk-based approach and do not empower the executive to suspend NPO leaders or appoint trustees without prior judicial authorisation (Amnesty International, 2021).
6. **Independent International Monitoring:** We call for the establishment of an independent OSCE/Council of Europe task force to conduct onsite assessments and review case files in Turkey, particularly regarding the



implementation of fair trial guarantees and the treatment of minors in anti-terror operations (Solidarity With OTHERS, 2025f).

7. **Safeguarding against AI-Amplified Bias:** OSCE member states should mandate that financial data providers (such as LSEG/World-Check) independently vet and verify terrorism-related designations from authoritarian regimes before disseminating them, ensuring compliance with GDPR and the AI Act (instituDE, 2024).

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