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THE EROSION OF THE RULE OF LAW IN TURKEY: SPOTLIGHT ON THE "UNDERAGE GIRLS CASE"

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In recent years, Turkey has witnessed a worrying trend regarding the rule of law and the integrity of its judicial system. The "Underage Girls Case," which emerged in May 2024, is an alarming example of how political motivations can corrupt legal processes, particularly in the context of anti-terrorism operations. This case exemplifies a broader pattern of abuse within Turkey's justice system, where the lines between law enforcement, prosecution, and judicial proceedings have become increasingly blurred, often resulting in the persecution of innocent individuals.

Background of the Case

In the second week of May 2024, Istanbul police conducted a series of operations purportedly aimed at combating terrorism. A total of 48 individuals, including high school students, were detained during these operations. Following interrogations, 28 were referred to court, leading to the arrest of 28 individuals, with underage girls recorded in judicial records as "children dragged into crime." By early July, it became evident that 19 individuals, primarily university students, remained in detention, even as the indictment revealed a shocking reliance on fabricated evidence and highly questionable interpretations of routine social behaviours.

The police justified these operations through a preordained scheme, utilising extensive surveillance and wiretapping. Disturbingly, the testimonies of the victims were ignored by both law enforcement and the courts, revealing a blatant disregard for justice. This situation underscores a troubling reality: efforts by young women to navigate life and support their families were misconstrued as activities indicative of terrorism.

The Circular Abuse of Anti-Terrorism Legislation

At the heart of the "Underage Girls Case" is a systematic abuse of anti-terrorism legislation. Law enforcement, prosecutors, and judges appear to operate within a circular framework where each institution reinforces the others' actions, often at the expense of justice. The police conducted hate operations based on fabricated evidence, which was then used to support the prosecutor's indictment. The courts, in turn, accepted these indictments without adequate scrutiny, perpetuating a cycle of abuse that undermines the rule of law.

The indictment itself, a staggering 529 pages long, was filled with arbitrary claims and included social activities—such as going to the cinema or participating in religious practices—that were characterised as terrorist acts. The absurdity of equating a group of university students engaging in everyday behaviours with terrorism reflects a chilling reality where normalcy is criminalised.

The Role of the Judiciary

The judiciary ideally serves as a check on the powers of law enforcement and prosecution, ensuring that justice is applied fairly and without bias. However, in the context of the "Underage Girls Case," the courts have not fulfilled this role. Judicial decisions appear to be influenced by political pressures, leading to a pattern where innocent individuals are unjustly detained based on baseless accusations. The judges in this case accepted flawed evidence, marking a dangerous departure from the principles of impartiality and independence essential for a functioning democracy.

Judges questioned the young girls about their personal lives, asking why they attended student-shared houses or engaged in religious practices. Such inquiries reveal a troubling focus on individual choice and exemplify how the judiciary has become complicit in the circular abuse of power. The judges' willingness to entertain these indictments suggests a broader systemic failure, where the integrity of the legal process is sacrificed for political expediency.

The Broader Implications

The "Underage Girls Case" is not an isolated incident. It reflects a more significant trend of legal and judicial abuse in Turkey, particularly following the 2016 coup attempt. Since then, the Turkish government has increasingly targeted individuals associated with the Gülen Movement and other dissenting groups, employing anti-terrorism laws to justify widespread arrests and detentions. This pattern of persecution has raised significant concerns regarding human rights and the rule of law in Turkey.

Conclusion

The "Underage Girls Case" is a stark reminder of Turkey's precarious state of the rule of law. It illustrates how anti-terrorism legislation can be weaponised against vulnerable populations, particularly young women seeking to support their families.

The circular abuse of power among law enforcement, prosecutors, and judges reflects a broader systemic issue that undermines the foundations of justice.

As the next hearing approaches in the coming months, there is a glimmer of hope that the judiciary may recognise the gravity of the situation. Courts must resist political pressures and adhere to the principles of justice and the rule of law. The upcoming decisions will not only impact the lives of the individuals involved. Still, they will also serve as a critical test of Turkey's commitment to upholding human rights and maintaining an independent judiciary. The world watches closely, hoping for a resolution that restores faith in Turkey's legal system and affirms the fundamental rights of all its citizens.

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