POLICY BRIEF

# Fair Trial Rights and Judicial Independence in the 17 and 25 December Proceedings

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## Issue and scope

This briefing summarises SRL Swiss's published September 2026 report on proceedings against law-enforcement officers involved in the 17 and 25 December 2013 corruption investigations in Türkiye. It assesses procedural fairness and judicial independence, without determining the criminal guilt of persons named in the original corruption investigations.

## Evidence-based findings

1. The underlying investigations involved prosecutorial directions, judicially authorised interception and surveillance, searches, and documentary and digital material. The legality of each measure nevertheless requires individual examination. [Main report, sections I–II; Annexes 68–71]

2. Following the December 2013 investigations, police and prosecutorial personnel were replaced and the underlying corruption files were closed. The report questions whether the available evidence was substantively tested before the non-prosecution decision. [Section III; Annexes 1–5]

3. Officers who gathered evidence later faced serious criminal charges. The report identifies a need for demonstrable individual conduct, intent and a reasoned response to defence evidence, rather than responsibility inferred from institutional role. [Sections IV and VII; Annexes 1, 42–47]

4. In April 2015, judicial release orders concerning detainees were not implemented; judges associated with the decisions were subsequently prosecuted. The ECtHR found an Article 5 violation concerning the judges' detention in Başer and Özçelik v. Turkey. [Section VI; Annexes 28–34, 72]

5. Questions over changes in the trial bench, access to forensic copies and challenges to digital evidence raise concerns under the guarantees of an independent and impartial tribunal and equality of arms. [Sections V and VII; Annexes 42–47]

## Legal framework

The principal reference is Article 6 of the European Convention on Human Rights (independent and impartial tribunal, adversarial proceedings and defence rights), complemented by Article 5 concerning liberty and review of detention. Judicial independence concerns should be assessed against relevant Venice Commission opinions and OSCE/ODIHR standards.

## Recommended institutional actions

1. Ensure independent, case-specific review of the reasons for interference with prosecutorial and judicial functions.

2. Provide meaningful defence access to underlying digital evidence, forensic images, metadata and chain-of-custody records, with expert testing where relevant.

3. Require individualised and reasoned adjudication of each defendant's alleged conduct, mental element and evidential objections.

4. Investigate non-enforcement of judicial release decisions and adopt safeguards against reprisals for lawful judicial acts.

5. Monitor any remedial steps through public, reasoned decisions and periodic reporting to relevant international mechanisms.

## Evidential caution

This policy brief reflects findings and assessments in the cited SRL Swiss report. Disputed allegations and defendants' positions must not be treated as established judicial facts; the report and annexes control where wording is condensed.

Source: SRL Swiss, Fair Trial Rights and Judicial Independence in the 17 and 25 December Proceedings (September 2026), sections and annexes indicated above. https://srlswiss.com/fair-trial-rights-and-judicial-independence-in-the-17-and-25-december-proceedings/