Submission to the United Nations Special Rapporteur on the Independence of Judges and Lawyers

Judicial Independence and Defence Safeguards in the 17 and 25 December Proceedings

Submitting organisation
Security Studies and Rule of Law Association
SRL Swiss

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17 and 25 December 2013 Background and Subject of the Submission

On 17 and 25 December 2013, two separate investigations into allegations of bribery and corruption involving public officials and businesspeople in Türkiye became public. Conducted pursuant to prosecutorial instructions and judicial orders, these investigations soon became the target of public accusations by the executive. On 4 January 2014, Prime Minister Recep Tayyip Erdoğan described the process as a "judicial coup". At the time of that statement, no convictions had been entered against those conducting the investigations. [A1–A2; A28.2]

Muammer Akkaş, the prosecutor conducting the 25 December investigation, was removed from the case on 26 December 2013. New prosecutors were assigned, and the implementation of certain previously ordered measures was abandoned. The decision of 25 July 2014 not to prosecute also included a referral for a criminal investigation into the investigators. Police officers were placed in pre-trial detention in separate investigations that year. The official acts of those investigating the corruption allegations thus became the subject of criminal accusations against them. [A1, source pp. 222, 322; A2; A4, §§ 3–6]

In April–May 2015, decisions on the recusal of judges and on release were issued in respect of detainees, including individuals who had worked on the 25 December investigation. The release orders were not executed; the judges who issued the relevant decisions, Metin Özçelik and Mustafa Başer, were detained. Measures against the investigators were followed by measures against the judges reviewing their detention. These events, examined in this submission, preceded the attempted coup of 15 July 2016. [A1, source p. 251; A4]

The criminal proceedings have reached different stages in respect of different offences. In its judgment of 9 May 2023, case no. 2021/4197, decision no. 2023/2716, the Third Criminal Chamber of the Court of Cassation upheld, with a correction, ten convictions under Article 312 of the Turkish Criminal Code (TCC), while quashing certain other rulings. Those whose convictions were upheld include six individuals listed in the individual-status table: Mehmet Fatih Yiğit, Mehmet Habip Kunt, Kazım Aksoy, Yakub Saygılı, Yasin Topçu and İbrahim Şener. These six individuals have final convictions for that offence. The eighteen-year sentences imposed on 2 December 2024 in the espionage proceedings following the quashing of the earlier ruling, and the proceedings concerning other charges, must be distinguished from those final convictions. The European Court of Human Rights (ECtHR) judgment concerning Başer and Özçelik, delivered in 2022, concerns the two judges' initial detention. [A4; A21–A22; A35, source pp. 702–703, 711]

The central questions in this submission are these: on what grounds were measures requested by prosecutors and authorised by judges subsequently treated as criminal acts by the police officers who implemented them? While some judges who authorised investigative measures continued their careers and were appointed to senior positions, how did the detention of Başer and Özçelik, who ruled in favour of detainees' liberty, affect the freedom of subsequent judges to decide cases independently? The advancement of the prosecutors who closed the investigation is examined alongside the

professional and criminal consequences faced by those who conducted it. [A4; A7; A13; A21; A29–A30]

SRL Swiss requests a combined examination of these events from the perspective of judicial independence, the principle of legality in criminal law and defence safeguards. The Special Rapporteur is requested to put the questions set out below to the Turkish authorities and to follow up on their responses and on measures to remedy violations.

Key findings for the Special Rapporteur: (1) the violations found by the ECtHR concerning the initial detention of Başer and Özçelik; (2) the reversal of the decision to provide digital copies to the defence and subsequent refusals; and (3) restrictions on witness examination and time for the defence documented in hearing records. Political statements, changes in judicial assignments and divergent career outcomes provide the institutional context for these findings. Acknowledging the existence of final convictions, the report examines whether safeguards for independent decision-making and an effective defence operated in the proceedings leading to those convictions. [A4–A5; A14; A28–A30; A35]

Action requested: an allegation letter to Türkiye; transmission of the questions in Section 12 concerning the reassignment of the investigation, measures taken in response to judicial decisions and the facilities available to the defence; and follow-up on responses and remedial measures. This submission does not include a separate request for an urgent appeal.

1 Subject of the Examination and Its Institutional Significance

This report examines the safeguards necessary for judges, prosecutors and lawyers to discharge their professional duties in proceedings connected with the investigations of 17 and 25 December 2013 in Türkiye. It focuses on the 25 December-related proceedings before the İstanbul 13th Assize Court, case no. 2015/366, and the proceedings following remittal, case no. 2023/180; the 17 December-related proceedings before the İstanbul 14th Assize Court, case no. 2016/304; the release orders of April 2015; and related defence applications. Requests in case no. 2024/92 and subsequent developments in the 17 December case are identified separately. [A1; A5; A14; A21; A35–A36]

Three connected issues lie at the centre of the examination: the criminalisation, in respect of the implementing police officers, of acts performed pursuant to prosecutorial instructions and judicial orders; differential treatment of prosecutors who conducted and closed the investigation, and of judges who authorised measures and those who ruled in favour of liberty; and defendants' ability to have evidence examined, to secure testimony from prosecutors and judges, and to present an effective defence. These issues are considered throughout the proceedings, from investigation to judgment and appeal.

Protecting judicial independence does not preclude the investigation of unlawful conduct. The safeguard is that the substance of a judicial decision, the political consequences of an investigation or the identity of a represented person must not, in

themselves, become grounds for punishment. Professional accountability must be based on specific conduct, pursued by a competent authority and subject to independent review.

SRL Swiss submits this communication as an institutional submission based on publicly available sources and case documents. It addresses common issues arising in proceedings connected with the 17 and 25 December investigations.

Methodology and Evidentiary Distinctions

The examination compares case documents with international judgments and standards. Judgments, hearing records, applications and official correspondence are identified in the source index. Documented procedural acts, parties' allegations and SRL Swiss's legal assessments are distinguished.

Court decisions and hearing records are used to establish the recorded act and the authority's stated reasons; not every allegation reproduced in those reasons is accepted as established fact. Defence submissions establish the party's allegation and request; official appointment records establish changes in office; and news reports establish the publication of the specified political statements. SRL Swiss's assessments of pressure, chilling effects and effective defence are identified as legal conclusions drawn from these sources.

The connection with the Special Rapporteur's mandate concerns the security of tenure and assignment of investigating prosecutors, measures taken against judges for their decisions, and lawyers' ability to access evidence and provide an effective defence. The submission seeks an examination of these institutional safeguards and explanations from the relevant authorities.

1.1 Background and Chronology

The expressions "17 December 2013" and "25 December 2013" refer to separate investigations into allegations of bribery and corruption involving public officials and businesspeople. Investigation nos. 2012/120653 and 2012/656 are relevant to the measures carried out pursuant to prosecutorial instructions and judicial orders. The later cases brought against police officers, nos. 2015/366 and 2016/304, were not proceedings against the same group of individuals as the suspects in the original investigations. [A2; A13]

Date	Event and supporting source
17 and 25 December 2013	Separate investigations into bribery and corruption allegations became public. Subsequent criminal proceedings concerned the officials who conducted those investigations. [A1–A2; A13]
26 December 2013	Muammer Akkaş was removed from the case; new prosecutors were assigned and the implementation of earlier measures was abandoned. [A1, source pp. 222, 322]

Date	Event and supporting source
2014	The decision of 25 July not to prosecute included a referral concerning the investigators. Police officers were detained in separate investigations. [A2; A4, §§ 3–6]
24 April–1 May 2015	Recusal decision on 24 April and release orders on 25 April; the orders were not executed. Metin Özçelik was detained on 30 April and Mustafa Başer on 1 May 2015. [A1; A3; A4, § 194]
2016 and after 15 July	While disputes over access to evidence continued in the relevant proceedings, the attempted coup of 15 July and the subsequent extensive measures against members of the judiciary changed the national context. The April 2015 events preceded the attempted coup. [A4; A5; A11; A23]
2017–2019	The ten-year sentences of Başer and Özçelik were upheld in 2017; decisions not to prosecute were issued concerning evidence-related complaints; and witness and time requests were decided at the hearing of 31 January 2019. [A4, § 97; A14–A16]
2022–2023	The ECtHR judgment was delivered on 13 September 2022 and became final on 30 January 2023. The judgment of 9 May 2023, case no. 2021/4197, decision no. 2023/2716, upheld certain convictions under TCC Article 312 with a correction, while quashing rulings concerning other offences and individuals. [A4; A35]
2 December 2024–2025	Judgment in case no. 2023/180; appeal of 4 March 2025; applications of 18 March, 8–9 April and 26 September 2025 in case no. 2024/92. Each case is assessed separately by reference to its defendants, charges and evidence. [A6; A8–A9; A13; A21–A22]

1.2 Final Convictions and Proceedings Following Remittal

In the 25 December proceedings, the Third Criminal Chamber of the Court of Cassation, by its judgment of 9 May 2023, upheld with a correction the convictions under TCC Article 312 of Individual 84, İbrahim Şener, Kazım Aksoy, Individual 33, Individual 10, Mehmet Fatih Yiğit, Mehmet Habip Kunt, Individual 12, Yakub Saygılı and Yasin Topçu. The correction removed the reference to TCC Article 58(7) from the operative provisions; it was not a quashing requiring a retrial. The quashing orders in other parts of the same judgment concern different offences and groups of individuals. [A35, source pp. 701–704, 711]

In the 17 December proceedings, the İstanbul 14th Assize Court's judgment of 13 September 2024, case no. 2023/81, decision no. 2024/115, records that the Court of Cassation's judgment of 8 May 2023, case no. 2021/4383, decision no. 2023/2717, upheld some earlier rulings and quashed others. It also records the severance of the charge of violating the confidentiality of communications against six individuals into case no. 2024/112. This record demonstrates that the 17 and 25 December cases

cannot be presented as a single judgment or a single appellate outcome. [A36, source p. 72]

Court	Case	Scope
İstanbul 13th Assize Court	Case no. 2015/366	Main proceedings connected with 25 December; decision no. 2018/228 and hearing records from 2016–2018. A35 distinguishes the rulings upheld from those quashed. [A5; A35]
İstanbul 14th Assize Court	Case no. 2016/304	Proceedings connected with 17 December; 114th hearing, 31 January 2019. [A14]
İstanbul 13th Assize Court	Case no. 2023/180 Decision no. 2024/241	Proceedings following remittal; judgment of 2 December 2024. Nine defendants received aggravated life sentences, twelve received eighteen years' imprisonment for espionage, and two received seven years and six months for membership of an organisation. Two defendants appear in both the aggravated-life and eighteen-year groups. The judgment also includes acquittals and severance orders. Defendants and outcomes are shown below. [A21]
İstanbul 13th Assize Court	Case no. 2024/92	Case in which the 2025 applications concerning evidence, witnesses, recusal and jurisdiction were filed. [A6; A8–A9; A13]
Court of Cassation, Third Criminal Chamber	Case no. 2021/4197 Decision no. 2023/2716	9 May 2023: ten convictions under TCC Article 312 upheld with a correction. Other rulings concerning different offences and individuals were quashed. [A35]

The outcomes of the judgment of 2 December 2024 are set out below. The groups partly overlap and must not be added together to calculate the number of defendants. The spelling "Yakup Saygılı" in the judgment refers to the same person who uses "Yakub Saygılı" in his own application. [A21, source pp. 630–635; A22]

Defendants	Ruling
Individual 42, Individual 03, Individual 86, Individual 61, Individual 69, Individual 24, Individual 59, Individual 67, Individual 31	TCC Article 312(1): aggravated life imprisonment for each defendant. No separate ruling on membership of an organisation.

Defendants	Ruling
Individual 84, Individual 86, İbrahim Şener, Kazım Aksoy, Individual 33, Individual 10, Mehmet Fatih Yiğit, Mehmet Habip Kunt, Individual 03, Individual 12, Yakub Saygılı, Yasin Topçu	TCC Article 328: eighteen years' imprisonment for each defendant. Individual 86 and Individual 03 also appear in the preceding group.
Individual 21; Individual 68	Seven years and six months each for membership of an organisation.
Individual 74, Individual 22, Individual 01, Individual 46, Individual 02, Individual 65, Individual 87, Individual 08, Individual 55, Individual 28	Acquitted of aiding an organisation, on the ground that the statutory elements of the offence were not established.
Individual 08; Individual 22; Individual 02; Individual 64; Individual 11	The first four individuals were acquitted under TCC Article 312; Individual 11 was acquitted under Articles 312 and 328. Individual 76's case was severed.

The court linked the eighteen-year sentences to obtaining and recording surveillance footage of the April 2012 meeting at the Haliç Congress Centre and to photographs of an energy investment meeting in the Czech Republic. This is the court's assessment of the legal classification and intent. Ten defendants were acquitted because the elements of aiding an organisation were not established. The court stated that it had not been proved that these defendants, who performed limited duties on their superiors' instructions, knew of the organisational purpose attributed to the investigation. This reasoning for acquittal does not establish the criminal intent of the other defendants; the specific evidence supporting each conviction must be examined separately. [A21, source pp. 630–631]

The judgment of 2 December 2024 ordered the continued detention of nine individuals and stated that an appeal on points of law could be lodged within two weeks of service of the reasoned judgment. Saygılı's appeal of 4 March 2025 challenges the eighteen-year sentence under TCC Article 328 in that judgment; it is not a fresh ordinary appeal against the Article 312 conviction upheld in 2023. This report records that the 2024 judgment was appealed, without making an undocumented assertion that the appellate proceedings have concluded or remain pending. This explains how the same individual may have a final conviction for one offence and remain a defendant in proceedings concerning other charges. [A21, source pp. 632–635; A22, source pp. 1, 906; A35, source pp. 702–703]

Case Connections and Legal Status of the Individuals Included

The table below covers the eight individuals included in this submission. The 17 December and 25 December cases, and rulings concerning different offences, are identified separately. Information on Ayhan Arıkanoğlu's current status is based on information provided by SRL Swiss on 7 November 2026; the other findings are based on the cited judgments.

Individual	Relevant case	Legal status and source
Adem Atik	17 December — İstanbul 14th Assize Court, case no. 2016/304, decision no. 2019/63.	He is serving a prison sentence following conviction (information provided by SRL Swiss on 9 November 2026). Case connection: [A36, source p. 3].
Ayhan Arıkanoğlu	17 December — İstanbul 14th Assize Court, case no. 2016/304, decision no. 2019/63.	Has a final conviction; an application concerning his case is before the ECtHR. Source: information provided by SRL Swiss on 7 November 2026. Case connection: A36, source p. 4.
Mehmet Fatih Yiğit	25 December — İstanbul 13th Assize Court, case no. 2015/366; proceedings following remittal, case no. 2023/180.	Conviction under TCC Article 312 upheld with a correction on 9 May 2023; final conviction for that offence. The eighteen-year sentence imposed under Article 328 on 2 December 2024 is a separate ruling. [A35, source pp. 702–703; A21, source p. 630]
Mehmet Habip Kunt	25 December — İstanbul 13th Assize Court, case no. 2015/366; proceedings following remittal, case no. 2023/180.	Conviction under TCC Article 312 upheld with a correction on 9 May 2023; final conviction for that offence. The eighteen-year sentence imposed under Article 328 on 2 December 2024 is a separate ruling. [A35, source pp. 702–703; A21, source p. 630]
Kazım Aksoy	25 December — İstanbul 13th Assize Court, case no. 2015/366; proceedings following remittal, case no. 2023/180.	Conviction under TCC Article 312 upheld with a correction on 9 May 2023; final conviction for that offence. The eighteen-year sentence imposed under Article 328 on 2 December 2024 is a separate ruling. [A35, source pp. 702–703; A21, source p. 630]
Yakub Saygılı	25 December — İstanbul 13th Assize Court, case no. 2015/366; proceedings following remittal, case no. 2023/180.	Conviction under TCC Article 312 upheld with a correction on 9 May 2023; final conviction for that offence. The eighteen-year sentence imposed under Article 328 on 2 December 2024 is a separate ruling. [A35, source pp. 702–703; A21, source p. 630]
Yasin Topçu	25 December — İstanbul 13th Assize Court, case no. 2015/366; proceedings following remittal, case no. 2023/180.	Conviction under TCC Article 312 upheld with a correction on 9 May 2023; final conviction for that offence. The eighteen-year sentence imposed under Article 328 on 2 December 2024 is a separate ruling. [A35, source pp. 702–703; A21, source p. 630]

Individual	Relevant case	Legal status and source
İbrahim Şener	25 December — İstanbul 13th Assize Court, case no. 2015/366; proceedings following remittal, case no. 2023/180.	Conviction under TCC Article 312 upheld with a correction on 9 May 2023; final conviction for that offence. The eighteen-year sentence imposed under Article 328 on 2 December 2024 is a separate ruling. [A35, source pp. 702–703; A21, source p. 630]

1.3 The Position of the Turkish Authorities and the Issues Requiring a Response

The domestic authorities consider that the investigations targeted the Government for organisational purposes. The Court of Cassation relied on ByLock and Spark records, witness statements and acts attributed to individuals; it treated efforts to carry out apprehensions and police custody measures as acts of execution involving force and violence, going beyond preparatory acts. In the part upholding the convictions, it stated that the procedural acts and collection of evidence were lawful and that the defence submissions had been considered. This report does not disregard those reasons. Our objection concerns whether the connection between each professional act in 2013 and the elements of the alleged offence, and the defence's opportunity to test that connection, have been adequately demonstrated. [A35, source pp. 700–703]

Türkiye's response of 2 May 2025 to AL TUR 3/2024 invokes the need to combat terrorism and constitutional guarantees of independence. It states that certain complaints concerning independence were rejected by the ECtHR and alleges that the claims were made for political purposes. It also refers to earlier correspondence from 2017, 2018, 2019 and 2020. That response was not addressed to the present submission. [A23, §§ 2–8, 12–21]

These explanations do not answer the specific questions at the heart of this submission: what individual conduct and intent of the implementing police officers were criminalised in relation to judicially authorised measures? What facts existed at the relevant time to justify detaining the judges who ruled in the release proceedings? The ECtHR found violations of the safeguards of lawful procedure and reasonable suspicion in the initial detention of Başer and Özçelik. In light of those findings, the evidence, reasons and outcome of effective review must be explained for each measure, rather than political accusations being repeated. [A4, §§ 158–159, 198–203; A13]

In the April 2015 release proceedings, the domestic authorities also considered the recusal and release decisions contrary to jurisdictional and procedural rules. Those objections are distinct from the requirements of lawful procedure and reasonable suspicion for detaining the judges who issued the decisions. The ECtHR's findings on initial detention reflect that distinction. [A1, source pp. 249–251; A4, §§ 158–159, 198–203]

1.4 Scope of the Submission

SRL Swiss prepared this communication on the basis of publicly available sources and the case documents examined. It considers together the issues of judicial independence and defence safeguards arising in proceedings connected with the 17

and 25 December investigations. Individuals and decisions are examined through the concrete events illustrating these issues. The Special Rapporteur is requested to assess the documented practices, seek explanations from the Turkish authorities and follow up on necessary remedial measures.

Relationship with Applications to the ECtHR

This submission is intended solely for consideration within the Special Rapporteur's functions of seeking information from governments, making recommendations and monitoring the independence of judges and lawyers. It does not seek a judicial or quasi-judicial determination of an individual dispute or compensation. It does not request the initiation of an individual complaint before a UN treaty body or an individual opinion procedure before the Working Group on Arbitrary Detention. If referral to another mechanism as an individual complaint is contemplated, we request prior clarification of its scope with SRL Swiss and the lawyers of the individuals concerned.

This communication does not constitute a waiver of applications to the ECtHR; exhaustion of domestic remedies and ECtHR time limits are monitored separately. Submission of this report to the UN Special Rapporteur does not automatically preclude an application to the ECtHR. [A34, §§ 264–273]

Consent and Supplementary Communications

SRL Swiss is seeking consent from individuals involved in the proceedings covered by this report through the lawyers it is able to contact. Signed consent pages selecting full disclosure have been received and included in the submission package for Adem Atik, Ayhan Arıkanoğlu, Mehmet Fatih Yiğit, Mehmet Habip Kunt, Kazım Aksoy, Yakub Saygılı, Yasin Topçu and İbrahim Şener. The process of obtaining consent from other individuals is ongoing. The schedule will be updated as documents are received, with supplementary communications where necessary.

Each of the eight signed pages selects "Full Disclosure". This option authorises the use of names and identifying information in official documents submitted to the relevant international organisations and in publicly available bulletins and reports. These consent documents are not submitted as powers of attorney. Individual dates and document records appear in the schedule at the end of this report.

Other names are used only insofar as necessary to understand the decisions and institutional acts; no authority to represent those individuals or disclose information on their behalf is asserted. Unnecessary personal identifiers are removed from the submission annexes. Signed consent documents are kept separate from the public report and shared only for assessment of the scope of consent for this submission.

1.5 Political Statements Prejudgment and Interference with the Judiciary

An assessment of judicial independence must include statements directed by political authorities at investigators and judges before the judicial proceedings had concluded. The issue is how members of the judiciary deciding on those officials were protected from external pressure after the executive had characterised the investigation and the officials in accusatory terms. The statements below must be considered alongside

removal from office, reassignment of cases, detention and interference with release orders.

Date and speaker	Verified statement	Connection with judicial proceedings
29 December 2013 Interior Minister Efkan Ala	On TRT's Enine Boyuna programme, he discussed the 17 December investigation as interference with elections and politics, stating: "This is almost a coup against the government." [A28.1]	Immediately after the investigation became public, and before any conviction of the investigators, the Interior Minister characterised the process as a coup.
4 January 2014 Prime Minister Recep Tayyip Erdoğan	In a speech published by his party, he stated that he took the corruption allegations seriously, but described the process as a "judicial coup" conducted within an organisational hierarchy. [A28.2]	The statement closely followed Akkaş's removal from the case on 26 December. Before the investigators' subsequent convictions, the head of the executive publicly characterised the investigation as criminal.
21 June 2014 Prime Minister Recep Tayyip Erdoğan	In his Lyon speech, he described the 17 and 25 December investigations as an attempted coup and stated that those responsible would be held to account. [A28.3]	As criminal proceedings against the investigators progressed in 2014, the executive publicly announced the outcome it expected. The statement must be examined alongside the individualisation of the coup allegation in the subsequent trials.
27 April 2015 President Recep Tayyip Erdoğan	He described the release orders as a usurpation of authority, considered the meeting of the High Council of Judges and Prosecutors (HSYK) overdue and expressed his expectation that the Council would decide in line with inspectors' reports. [A28.4]	The statement followed the decisions of 24–25 April, while measures against the judges were under way. It is directly relevant to the proceedings against Başer and Özçelik and to the conditions in which other judges could decide independently.

In SRL Swiss's assessment, the significance of these statements lies in the political narrative of the investigators' and judges' guilt preceding the judicial outcome. The connection requiring examination is between political accusations, personnel and assignment changes, criminal investigations and measures against judges following decisions in favour of liberty. This sequence provides a concrete basis for the allegation

of pressure and a chilling effect on the presumption of innocence and independent decision-making. [A1–A4; A19; A24.1; A28.1–A28.4]

The Turkish authorities should be asked how decision-makers in the cases concerned were protected from political expectations; what objective criteria governed appointments, case reassignments and professional measures; and how objections concerning the presumption of innocence and impartiality arising from accusatory statements were examined. In particular, the temporal relationship between the statement of 27 April 2015 and the HSYK proceedings, and the specific grounds for subsequent detentions, should be explained. The chronology requires these mechanisms to be examined together, without treating temporal sequence as proof that every decision resulted from a direct political instruction.

2 Judges Authorising Measures Police Officers Implementing Them and Differential Treatment

A central objection in this submission concerns the manner in which criminal responsibility for interception and surveillance operations was attributed to the implementing police officers, despite those operations being conducted under judicial orders. Authorising a measure and implementing it are parts of the same chain of acts. It is therefore necessary to identify not only what the police did, but also what the prosecutor requested, what the judge authorised and what specific conduct was subsequently treated as criminal. The defence allegation of selective treatment raises the question of the evidence and reasons supporting different outcomes for those who authorised and those who implemented the measures. [A13, source pp. 1–4]

2.1 The 17 December Investigation Prosecutorial Requests and Interception Orders

The application of 9 April 2025 concerning investigation no. 2012/120653 identifies the requesting prosecutors as Yılmaz Kıstı, Tahsin Yavuz, Özcan Özdemir, M. Siyami Başok and Celal Kara. The examples below are drawn from the 48-row schedule of decisions attached to that application. The schedule includes corrections and objections as well as interception orders; each row does not represent a separate interception target. [A13, source pp. 2–3] As rows 2 and 3 repeat the same decision, no. 2012/537 of 12 October 2012, the 48 rows cannot be counted as 48 distinct decisions. The schedule is an annex to a party's application; neither the original of every decision nor its implementation has been separately verified.

Date	Court / decision no.	Judge issuing the decision	Measure
17.09.2012	5th Criminal Court of Peace / 2012/561	Sabri Alca	Interception
15.10.2012	8th Criminal Court of Peace / 2012/528	Gülseren Kaldırım	Interception
21.02.2013	31st Criminal Court of Peace / 2013/139	Emine Çiğdem Yılmaz	Interception; objection upheld

Date	Court / decision no.	Judge issuing the decision	Measure
05.04.2013	17th Criminal Court of Peace / 2013/141	Bekir Altun	Interception
19.04.2013	38th Criminal Court of Peace / 2013/215	Salih Erşenel	Email interception
25.07.2013	19th Criminal Court of Peace / 2013/332	Hulusi Pur	Correction of number
28.08.2013	5th Criminal Court of First Instance / 2013/124	Sevim Efendiler	Interception — correction
02.10.2013	36th Criminal Court of Peace / 2013/585	Hacı İbrahim Gözükara	Interception
16.12.2013	18th Criminal Court of Peace / 2013/744	Cemil Gedikli	Interception

2.2 The 25 December Investigation Members of the Judiciary Issuing Orders

The A13 schedule lists twenty judges in connection with measures requested by prosecutor Muammer Akkaş in investigation no. 2012/656. This record was compared with specific decisions reproduced in the Court of Cassation judgment: page 638 identifies Süleyman Karaçöl's decision no. 2013/47 of 12 January 2013, and page 641 Menekşe Uyar's decision no. 2013/8883 of 21 October 2013, concerning the identification and recording of communications. For these two judges, the connection with the measures is therefore also established by a judicial document independent of the application. The reference in the same passage to Yakup Kaya as the duty judge does not mean that he issued the relevant decision. The table below reproduces the names and judicial posts listed in A13; the specific decisions verified are identified above by date and number. [A13, source pp. 3–4; A32, source pp. 638, 641]

Judicial post identified in the source	Judges issuing decisions
9th Assize Court	Osman Kaya; Eşref Aksu; Mustafa Boz
10th Assize Court	Davut Bedir; Savaş Çelik; Abdullah Öztürk
12th Assize Court	Mehmet Erdoğan; Vedat Dalda; Mehmet Hamzaçebi
13th Assize Court	Dursun Ali Gündoğdu; Nurullah Çınar
14th Assize Court	Mustafa Başer; Mesut Özcan; Hadi Çağdır
16th Assize Court	Bülent Kınay; Hikmet Şen; Seyfettin Mermerci
Judicial Offices Nos. 1 / 2 / 3	Yakup Kaya / Süleyman Karaçöl / Menekşe Uyar

2.3 Comparison of Those Authorising Measures Implementing Them and Ordering Release

The subsequent appointments of certain judges who authorised measures are compared below with the outcomes for the implementing police officers and the judges who ruled in the release proceedings. The comparison does not assume that their functions or individual allegations were identical; it reflects the need to explain the objective reasons for the different outcomes.

Individual / group	Judicial act in the case	Subsequent status and comparison
Bekir Altun	17 December: interception order no. 2013/141 of 5 April 2013, İstanbul 17th Criminal Court of Peace. [A13, source p. 2]	Appointed President of the Justice Academy of Türkiye by a decision published on 15 January 2025; took office on 16 January. The later senior appointment of the judge who authorised the measure is documented. [A30.1]
Hulusi Pur	17 December: interception order no. 2013/55 of 13 February 2013, 19th Criminal Court of Peace; correction of number, no. 2013/332 of 25 July 2013. [A13, source pp. 2–3]	Elected to the Court of Cassation on 16 July 2018 while serving as president of an İstanbul assize court. [A30.2, source p. 2, entry 38]
Hacı İbrahim Gözükara	17 December: interception order no. 2013/585 of 2 October 2013, 36th Criminal Court of Peace. In the 25 December trial, a panel member on 6 January 2016 and presiding judge on 28 June 2016. [A13, source p. 3; A7, source pp. 1, 62]	Appointed from a judicial post in Bursa to president of a Bursa assize court by the decree of 12 June 2026. The earlier role in authorising measures and the subsequent trial role require examination together. [A30.3, source p. 3, entry 67; Section 7]
Police officers implementing the orders	Judicial police carrying out interception and surveillance requested by prosecutors and authorised by judges. Testimony from prosecutors and judges was requested in response to allegations of irregularities in those acts. [A13, source pp. 1–4]	Detention and lengthy prison sentences in related cases; defence applications in 2025 in case no. 2024/92. For each allegation, identification is sought of the individual conduct exceeding the order's scope or independent of it. [A6; A8–A9; A13; A21]

Individual / group	Judicial act in the case	Subsequent status and comparison
Mustafa Başer	Among the judges issuing orders in the 25 December investigation. Issued release orders at the İstanbul 32nd Criminal Court of First Instance in April 2015. [A13, source p. 4; A1]	Release orders were not executed; suspended from office and detained. The ECtHR found violations concerning lawful procedure and reasonable suspicion in the initial detention. The same judge's position at the stages of authorising measures and ruling in favour of liberty provides a direct example for comparison. [A4]
Metin Özçelik	Allowed the recusal request on 24 April 2015, enabling the release applications to be examined. [A1; A4]	Suspended from office and detained. The ECtHR found violations in relation to his initial detention. The measures following his decision are relevant to other judges' professional and personal safeguards. [A4]

The defence objection is that, while interception and surveillance operations were made the subject of criminal charges, the judicial authorisation underpinning those operations was excluded from the assessment of responsibility. Implementation in accordance with a court order cannot be distinguished from an independent criminal act without examining together the prosecutorial request, the information presented to the judge, the scope of the authorisation and the police's actual conduct. The request to hear the decision-makers as witnesses seeks precisely to test that distinction. The Turkish authorities are asked to explain whether the responsibility of the judges listed above was examined in relation to the specified decisions and, if different outcomes were reached for the implementing police officers, the concrete reasons for that difference. [A13; A19, § 39]

A judge issuing an order and a police officer implementing it cannot automatically be regarded as being in the same legal position, given their differing functions, knowledge and intent. Subsequent appointment records confirm career advancement; they do not prove that no investigation ever took place or that advancement rewarded a decision in this case. Testing the allegation of selective treatment requires comparison of the documents concerning the request, authorisation, implementation and individual allegations relating to the same measure. [A13; A29–A30]

2.4 Detention of Judges Who Ordered Release and Other Judges' Freedom to Decide

The impact of the measures against Başer and Özçelik extends beyond those two judges' liberty. Judges subsequently deciding on detention, evidence or acquittal in respect of the same defendants saw that decisions in favour of liberty were not implemented and that their authors were detained. The institutional pressure alleged by

SRL Swiss rests on this concrete mechanism: the exercise of judicial discretion becomes a serious risk to personal liberty and security of tenure where the decision is politically unacceptable. An examination of independence therefore cannot be confined to whether subsequent judges received an explicit instruction. Adverse political statements, the neutralisation of decisions and the chilling environment created by measures against earlier judges must be assessed together. [A1; A3–A4; A19, §§ 19–21; A28.4]

This submission does not seek punishment of the judges who authorised the measures. It seeks an explanation of the evidence on which implementing a judicial order was criminalised, consistent application of responsibility criteria, and conditions in which a judge may rule in a defendant's favour without fear of professional or criminal retaliation.

3 Replacement of the Investigating Prosecutor and Discontinuation of Measures

Pages 222 and 322 of the Third Criminal Chamber of the Court of Cassation's judgment, case no. 2021/4197, decision no. 2023/2716, record that Muammer Akkaş was removed from the case on 26 December 2013 and replaced by İrfan Fidan, Fuzuli Aydoğdu, İsmail Uçar and İdris Kurt. The same account states that a written instruction from Deputy Chief Public Prosecutor Oktay Erdoğan directed that the previously ordered searches, seizures and police custody measures should not be implemented. [A1, source pp. 222, 322]

The administrative explanation recorded in the judgment was failure to inform the chief public prosecutor, a breach of confidentiality and the newly assigned prosecutors' need for time to examine the extensive file. SRL Swiss requests scrutiny of whether these grounds were subject to effective and independent review, how evidence was preserved when the measures were discontinued, and whether the reassignment followed objective criteria free from political influence.

The decision of 25 July 2014, investigation no. 2014/42981, decision no. 2014/54659, was signed by İsmail Uçar, İrfan Fidan and Fuzuli Aydoğdu. Its concluding section gives reasons concerning the lawfulness of evidence, jurisdiction and special investigation procedures, and the elements of the offence relating to an organisation; it provides for severance and separate steps to establish the facts concerning two tenders. [A2, source pp. 139–141]

Page 140 of the same decision provides for a referral concerning those who prepared the investigation on suspicion of attempting to overthrow the Government or prevent it from performing its duties, relying on certain passages in the police investigation report. That the decision closing the investigation also became a basis for criminal proceedings against its investigators is a concrete connection requiring explanation in terms of prosecutorial safeguards. An instruction or judicial order does not automatically render every act lawful; conversely, individual unlawful conduct and intent must be distinguished from the performance of official duties. [A2]

Removing a prosecutor from a case is not, by itself, a violation. The assessment must address predetermined allocation criteria, the decision-maker's competence, written and reviewable reasons, the timing of the change, preservation of evidence and access

to independent review. An unexplained reassignment or cessation of evidence gathering immediately after a politically sensitive act may indicate improper interference only when considered with these factors. [A24.2; A25.1]

3.1 Those Who Conducted and Closed the Investigation Professional and Criminal Consequences

The institutional consequences of the 17/25 December process become apparent when the subsequent positions of those who conducted the investigation and those who took it over and closed it are compared. On one side are removal from the case, dismissal from the profession, detention and lengthy prison sentences; on the other are senior posts in chief prosecutors' offices, the Court of Cassation, the Constitutional Court and judicial administration. The table below shows this divergence through individuals' roles in the case and dated official acts.

Role in the case	Individual and act	Subsequent professional or criminal developments
Investigating prosecutor	Muammer Akkaş Prosecutor conducting the 25 December investigation.	Removed from the case on 26 December 2013; implementation of earlier measures was halted. Dismissed from the profession on 12 May 2015. [A1, source pp. 222, 322; A29.5]
Investigating prosecutor	Celal Kara Prosecutor involved in the 17 December investigation.	Dismissed from the profession on 12 May 2015. [A13; A29.5]
Investigating police officers	Police officers involved in the 17/25 December investigations; individual roles and allegations are set out separately in the judgment.	On 9 May 2023, ten convictions under TCC Article 312 were upheld with a correction. Following remittal, the judgment of 2 December 2024 imposed nine aggravated life sentences and twelve eighteen-year sentences for different offences and groups of individuals; two individuals appear in both 2024 groups. These figures cannot be added to the convictions upheld earlier. [A21; A35]
Judges deciding in related cases	Mustafa Başer and Metin Özçelik Recusal and release decisions in April 2015.	Detained in 2015; sentences totalling ten years' imprisonment for each were upheld in 2017. On 13 September 2022, the ECtHR found violations of Article 5 of the Convention in relation to their initial detention. [A1, source p. 251; A4]

Role in the case	Individual and act	Subsequent professional or criminal developments
Prosecutor who closed the investigation	İrfan Fidan Signatory to the decision of 25 July 2014 not to prosecute.	16 January 2015: Deputy Chief Public Prosecutor, İstanbul; 26 July 2016: Chief Public Prosecutor, İstanbul; 27 November 2020: member of the Court of Cassation; 23 January 2021: elected to the Constitutional Court; 10 March 2026: elected Vice-President of the Constitutional Court. [A2, source pp. 139–141; A29.1–A29.2]
Prosecutor who closed the investigation	İsmail Uçar Signatory to the same decision not to prosecute.	Elected to the Court of Cassation on 17 January 2024 while serving as İstanbul Anadolu Chief Public Prosecutor. [A2, source pp. 139–141; A29.3]
Prosecutor who closed the investigation	Fuzuli Aydoğdu Signatory to the same decision not to prosecute.	20 January 2015: Deputy Chief Public Prosecutor, İstanbul; 15 June 2017: Secretary General of the Council of Judges and Prosecutors (HSK); 25 October 2019: senior adviser to the Ministry of Justice; 27 November 2020: member of the Court of Cassation; 20 May 2025: elected to the HSK. His official HSK biography lists him as Deputy President and President of the Second Chamber. [A2, source pp. 139–141; A29.4]

İrfan Fidan's career from prosecutor closing the investigation to Vice-President of the Constitutional Court must be considered alongside the dismissal of the investigating prosecutors and the detention and lengthy sentences of the police officers. The independence concern raised by SRL Swiss is that these outcomes occurred within the same process as the political accusations documented in Section 1.5: officials investigating allegations against the political authorities faced severe sanctions, while the signatories who closed the case advanced to senior judicial positions. This pattern is capable of producing a chilling effect on prosecutors conducting comparable investigations and judges ruling in favour of liberty.

The comparison in the application of professional and criminal safeguards also rests on a specific decision: in 2022, the complaint against İrfan Fidan was not processed on grounds of judicial discretion and the absence of concrete evidence. [A10] The Turkish authorities should explain why and how those criteria, applied to the acts of those closing the investigation, produced different outcomes when the investigators' acts were criminalised; what specific evidence distinguished individual criminal allegations from professional discretion; what objective criteria governed removals and promotions; and what independent review applied to all these measures.

This comparison of career outcomes is not presented as proof of causation. The stated disciplinary grounds for dismissals and the reasoning concerning organisational links and individual conduct in the convictions are also relevant to the assessment. This examination has identified no direct document establishing an instruction, reward or bargain connecting an appointment to a particular judicial decision. The assessment of institutional pressure is SRL Swiss's inference from political statements and the chronology of documented acts.

4 The April 2015 Decisions and Measures against the Judges

The Court of Cassation judgment records the applications of 20 April 2015, the recusal decision of the İstanbul 29th Criminal Court of First Instance on 24 April, and the İstanbul 32nd Criminal Court of First Instance's orders of 25 April releasing 63 individuals in miscellaneous proceedings nos. 2015/143–149. It also records the domestic authorities' assessment that these decisions breached jurisdictional and procedural rules, and the İstanbul 10th Criminal Judgeship of Peace's rulings treating them as legally non-existent. [A1, source pp. 249–251]

The document inventory for case no. 2015/366 before the İstanbul 13th Assize Court lists, in Folder 173, a letter of 26 April from the enforcement office, letters of 27 April concerning implementation and criminal referrals, release documents in miscellaneous proceedings no. 2015/145 concerning eight individuals, and the decision of 28 April in miscellaneous proceedings no. 2015/191. The last entry concerns the treatment of the release orders as legally non-existent and the return of the writs without execution. [A3, source pp. 56–57] The inventory establishes that the documents are recorded in the file; it does not mean that the full text of every listed letter has been separately examined.

President Erdoğan's characterisation of the release orders on 27 April 2015 as a usurpation of authority, and his view that the HSYK meeting was overdue, form the political dimension of this sequence. The fact that the statement was made while measures against the judges were under way raises not only the position of these two judges but also pressure on other judges who might rule in favour of liberty in comparable cases. [A28.4; Section 1.5]

In Başer and Özçelik v. Türkiye (nos. 30694/15 and 30803/15, 13 September 2022; final on 30 January 2023), the ECtHR found that the safeguard requiring authorisation to investigate judges had not been observed in their initial detention and that no reasonable suspicion existed at the time of detention. The Court explained that procedural irregularities did not establish a sufficient connection with the serious offences alleged. [A4, §§ 158–159, 198–203]

The ECtHR found that specific facts and information justifying detention had not been demonstrated at the time the judges were initially detained. It expressly stated that their subsequent convictions did not alter that assessment of the initial detention. The judgment cannot be used as an assessment of the lawfulness of all subsequent proceedings and measures. [A4, §§ 199–203]

The judgment's findings adverse to the applicants must also be preserved: the ECtHR found no violation of Article 5 concerning the Bakırköy 2nd Assize Court's competence to order detention or the panel's independence and impartiality (§§ 161–168).

Complaints concerning access to the file, the length of detention, failure to address objections and Article 7 were declared inadmissible. The complaints under Article 5 § 3 concerning the reasons for initial detention, and under Article 10, were not examined separately. The judgment therefore cannot be read as finding that all domestic courts lacked independence or that the release orders were lawful in every respect. [A4, operative provisions 3–8]

The matter SRL Swiss places before the Special Rapporteur is the effect on other judges' independent decision-making of criminal and professional measures taken immediately after a judicial act. Judicial responsibility may be examined within the law; however, security of tenure is undermined when a procedural or jurisdictional dispute is converted into severe criminal measures without individualised evidence of criminal conduct. Türkiye is asked to explain how it has addressed the ECtHR's findings in relation to this institutional issue.

The 63 individuals were not defendants in a single investigation: the ECtHR refers to one journalist and 62 law-enforcement officers detained in seven separate investigations. The specific connection with 25 December is established on page 251 of the Court of Cassation judgment: the release of Yakub Saygılı, Kazım Aksoy, İbrahim Şener, Individual 84, Individual 12 and Individual 16 in investigation no. 2014/115949 was also at issue. The connection is established through these six individuals and is not generalised to all 63. [A1; A4, § 3]

The letter/card submitted by the Government to the ECtHR is described in § 184. At § 199, the Court states that, because the document was obtained long after the initial detention, it could not be considered as a ground for that detention. The judgment makes no finding that the document was forged; no such allegation is presented as a finding of this communication. [A4, §§ 184, 199]

5 Defence Access to Evidence and Lawyers' Effective Work

The record of 4 April 2016 states that 191 hard drives, 18 DVDs and 10 CDs were held in evidence storage, and that various cost estimates had been obtained for forensic copying and hashing. The interlocutory decision of 28 June 2016 reversed the earlier order to provide copies, on the grounds that forensic images had been made at the prosecutor's office and examination reports were in the file, and that complete images might contain data from earlier or confidential investigations. [A5, source pp. 30, 65] The earlier disclosure order was interlocutory decision no. 6 of 9 February 2016; its reversal is expressly recorded in interlocutory decision no. 10 of 28 June. The forensic-copying estimates, including cost and time, in the 4 April record must be explained alongside the later general assertion of technical impossibility. These records do not establish that copies were actually supplied.

On 5 September 2016, the court rejected the request, stating that it had been informed that obtaining computer images was technically impossible, while ordering copies of video and telecommunications traffic records (HTS). Later in the same record, a request for the exchange of documents between counsel and defendants during the hearing was refused on the ground that lawyers could meet their clients in prison; the court decided to write to the prison concerning computer use for defence preparation. The facilities

provided and the continuing restrictions can thus be assessed together. [A5, source pp. 76–77]

Part 20/A of the interlocutory decision of 8 March 2018 held that no fresh ruling was required on requests concerning camera recordings, HTS and Telecommunications Communication Presidency (TİB) data, forensic images of digital material, the evidential hard drive, a storage device reportedly supplied by a witness, and the Haliç footage, referring to earlier refusals. [A5, source p. 282]

In his application of 8 April 2025 in case no. 2024/92, Yakub Saygılı again requested the images in order to obtain an independent expert opinion. The application shows that the defence continued to raise the access issue at that date. The report's direct findings of refusal rest on the court decisions identified above by date and content. The Turkish authorities are asked how the later application was determined. [A6, source pp. 1–4]

The issue is not simply whether any form of access to the file existed. Counsel must be able to test adverse data in good time, in a usable form and with independent technical assistance. It must be explained why options such as supervised examination, limited copying or independent expert access were considered insufficient while protecting third-party data.

The figures of 191 hard drives, 18 DVDs and 10 CDs describe the total material held in evidence storage, as recorded in the minutes; they do not establish that all of it constituted decisive evidence against every defendant. A6 provides a separate list of fourteen disks covered by examination reports, 84 disks examined by a private expert organisation and a storage device reportedly supplied by a witness; some entries cross-reference pages of the indictment and reasoned judgment. These subgroups are not treated as identical to the total of 191. [A5–A6]

A partial documentary connection can be established for the Haliç footage: decision 20/A in the record of 8 March 2018 links the request for access to footage under evidence-storage no. 2015/1499 to earlier refusals. Page 633 of the judgment of 2 December 2024 orders the retention of two 4 TB disks under the same storage number; page 630 concerns conviction under TCC Article 328 by reference to the Haliç footage and photographs of the meeting in the Czech Republic. There is therefore a specific connection between the access request, the storage record and the subject matter of the conviction. However, the same storage number does not establish the hash value, integrity or disclosure to the defence of a particular video file. The requested technical review should therefore focus on the acquisition, integrity and confidential nature of material relied on in the judgment, and each individual's contribution. [A5, source p. 282; A21, source pp. 630, 633]

The 2024 judgment also maintained the defendants' right to work on computers until the judgment became final. This supports the facilities available for defence preparation; however, providing working facilities is not equivalent to supplying the disputed raw data to the defence. [A21, source p. 635]

6 Examination of Witnesses and Opportunity to Present the Defence

At the 114th hearing before the İstanbul 14th Assize Court on 31 January 2019, Duran Denizci stated that recently received documents included the statement of the

anonymous witness “Bayrak”, that he had not yet been able to examine its contents and that he wished to question the witness. The presiding judge explained that the statement had been taken in another criminal case. At the end of the hearing, interlocutory decision no. 11 rejected the request to hear the witness again as “not warranted”. [A14, source pp. 102, 115]

The reasons given do not explain how defendants newly joined to the proceedings would be able to question the witness. Protecting a witness’s identity and testing the testimony are separate matters. Concealing image or voice, putting questions through the court and allowing the defence to expose inconsistencies can be arranged together. A protective measure must not eliminate entirely the opportunity to test the reliability of testimony.

The record directly documents the request to recall the witness and the brief reasons for refusal. It is not assumed that Bayrak’s testimony carried the same weight in every individual’s conviction. For judgments relying on that testimony, we request an explanation of the earlier opportunities afforded to the defence to question the witness, the role of the testimony in the judgment and, if the witness was not recalled, the counterbalancing safeguards provided. [A14; A19, § 39]

Pages 102–104 of the same record discuss the contents of newly supplied digital documents, the case from which the relevant interception transcripts and log records originated, and the time available to examine them. The presiding judge explained that the documents came from the case against the prosecutors; defendants stated that they had not yet been able to examine them. These records show that defence preparation cannot be regarded as complete merely because documents have been added to the file. The date of delivery, whether the documents can be opened, their connection with the individual concerned and the tools provided for examination also matter. [A14]

Interlocutory decision no. 13 of 31 January 2019 allocated two hours to each defendant and thirty minutes to each defence lawyer for closing submissions. At the same hearing, the court also called for careful implementation of earlier letters increasing defence preparation time in prison to twenty-four hours per week. These arrangements must be considered together: given the volume and recent arrival of evidence, examination is required of whether standard time allocations were sufficient for each defendant’s charges and evidence, how requests for additional time were handled and at what point the defence was interrupted. [A14, source pp. 114–116]

Paragraphs 32 and 33 of the UN Human Rights Committee’s General Comment No. 32 treat adequate preparation time and access to evidence as components of equality of arms. Paragraph 39 requires the hearing of witnesses relevant to the defence and a genuine opportunity to question adverse witnesses. Under these standards, the central issue is not the number of persons heard or the total number of hearings, but whether the defence could test a particular statement or document bearing on the judgment. [A19]

7 Composition of Judicial Panels and Objective Impartiality

Examination of judicial panels must go beyond listing names to address the relationship between earlier judicial roles and the subsequent trial, and continuity in the panel assessing decisive evidence. In the A13 schedule, Hacı İbrahim Gözükara is identified as the judge issuing the interception order of 2 October 2013 in the 17 December investigation; in the A7 records, he appears as a panel member at the 25 December hearing of 6 January 2016 and as presiding judge on 28 June 2016. These are connected but distinct investigation and trial records. For objective impartiality, clarification is required of whether the earlier decision, or evidence and assessments relating to it, was examined in the later trial, and what safeguards addressed this overlap of roles. [A13, source p. 3; A7, source pp. 1, 62]

Records compared	Specific change	Safeguard requiring examination
06.01.2016 → 28.06.2016	Gözükara was the only common member of the three-judge panel: a member on the first date and presiding judge on the second. [A7]	Reasons for replacing two members; how the new panel examined the file and earlier oral evidence.
28.06.2016 → 05.09.2016	Only one member of the three-judge panel remained; the presiding judge changed. [A7]	Assignment criteria, direct assessment of evidence and responses to defence objections.
2016 records → judgment of 2 December 2024	The sentencing panel differed from the sampled 2016 panels. [A7; A21]	How the final panel assessed the evidence underlying the judgment; opportunities for rehearing and adversarial discussion.

Safeguards requiring examination when panels change include assignment criteria, time allowed for the new panel to examine the file, reassessment of evidence requiring direct examination, and reasoned responses to impartiality objections.

The application of 18 March 2025 contains a recusal request connected with complaints against the panel and prosecutors; the application of 26 September 2025 raises a jurisdictional objection concerning judicial-police acts and prosecutorial instructions. Türkiye is asked to provide the relevant courts' responses and the results of subsequent appellate review. [A8–A9]

The headings of the hearing records confirm changes in panel composition. Without assignment and work-allocation decisions, it cannot be conclusively stated that the changes were unlawful or politically motivated. The complaint and recusal request in A8 do not, in themselves, prove bias. The request for clarification focuses on the objective reasons for the changes and independent examination of the objections.

8 Effective and Independent Examination of Evidence Complaints

The İstanbul Chief Public Prosecutor's Office decision of 7 February 2017, investigation no. 2017/2743, decision no. 2017/9103, determined the complaint against Hakan Sıralı and other officials concerning the preparation of digital-evidence reports. It stated that an investigation capable of influencing the trial court's decision while proceedings were ongoing would be incompatible with legal rules, and that the matters raised could be considered after the court's assessment. It decided not to prosecute on the ground that, at that stage, there was insufficient evidence to bring proceedings. [A15, first document, pp. 1–2]

The decision of 25 May 2018, investigation no. 2018/82723, decision no. 2018/43547, stated that a prosecutorial assessment of an expert report's accuracy could amount to interference with the trial. It decided not to prosecute on the grounds that the complaint should be raised as an objection before the court receiving the report, that the court could make a referral if it identified elements of an offence, and that there was no concrete evidence that a false report had been prepared. [A15, second document, pp. 1 –2]

These two rationales highlight the distinction between respecting the trial court's independence and the duty to examine a separate complaint of forgery or interference with evidence. If a complaint is referred entirely to the criminal court while the defence lacks access to technical data and an independent expert, the means needed to substantiate the objection may also be lost. Effective review requires identification of the technical steps taken, the data preserved, who examined the reports and what findings were communicated to the defence.

The Gölbaşı Chief Public Prosecutor's Office decision of 23 March 2018, investigation no. 2017/5327, decision no. 2018/946, assessed the Information and Communication Technologies Authority's (BTK) power to retain data and respond to judicial requests. The İstanbul Chief Public Prosecutor's Office decision of 22 October 2018, investigation no. 2018/117856, decision no. 2018/78547, assessed Avea/Türk Telekom's data-retention obligation. The latter also stated that the lawfulness of the data as evidence would be assessed by the trial and appellate courts. These reasons concerning data-retention powers are distinct from whether objections to particular data's integrity, attribution to the correct person or the accuracy of a technical report were examined. [A16]

The decision of 28 November 2016 to take no further action, investigation no. 2014/130976, decision no. 2016/75907, relied, in respect of Efkan Ala, on the procedure then applicable to investigations of ministers; and, in respect of Hüseyin Avni Mutlu and Selami Altınok, on special investigation provisions, earlier decisions and the assessment that concrete evidence was lacking. It also recorded numerous disciplinary measures and certain dismissals from the profession concerning the investigators. These two aspects require examination together of measures arising from official duties and the remedies available against them. [A17, source pp. 4–6]

The request under this heading is not that every complaint must lead to prosecution. It is that a competent authority genuinely examine substantial technical and professional

objections, explain the method of examination, and enable the complainant to challenge the reasoned outcome before an independent authority.

These decisions document the reasons for disposing of the complaints; they do not, by themselves, prove that digital evidence was fabricated or that every objection escaped examination on the merits. The legal basis for retaining data and the technical reliability of a particular record are separate questions. SRL Swiss's objection is that the technical examination and effective remedy through which the second question was answered in the proceedings have not been demonstrated.

9 Judicial Independence and Professional Safeguards across Türkiye

SRL Swiss's Judicial Independence Monitoring Report, covering 17 December 2013–20 October 2026, examines removal and transfer of judges and prosecutors, disciplinary and criminal measures, changes in court composition and non-implementation of judgments finding violations through 126 case records. These records do not represent a count of individual persons or final findings of violations. The institutional context of this communication has been assessed alongside that broader examination. [A31, introduction and source methodology]

The SRL Swiss report distinguishes official acts, judicial findings of violations and allegations reported in sources. As some records concerning 2013–2019 rely on the HRD Legal Commission's work, the appearance of the same event in both reports is not treated as two independent confirmations. The common issue in this submission is whether safeguards preventing appointment, transfer and disciplinary powers from directing judicial discretion operate in practice. [A31, source methodology and cross-case assessment; A20]

OL TUR 5/2017 of 23 May 2017 addresses measures against judges, prosecutors and lawyers after 2016 and constitutional amendments. AL TUR 2/2019 of 30 January 2019 concerns panel changes and defence issues in the Murat Arslan case. OL TUR 15/2020 of 14 September 2020 focuses on Article 159 of the Constitution and the composition of the Council of Judges and Prosecutors. The latter two communications were sent by the Special Rapporteur on judicial independence within this mandate. [A11–A12]

10 Application of International Safeguards to the Documented Events

Independent and impartial tribunal: Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR) and paragraphs 19–21 of General Comment No. 32 cover appointment, transfer, suspension, tenure and safeguards against executive influence. Replacement of prosecutors, detention of judges after their decisions and panel composition must be examined together within this framework. What requires explanation is not merely the formal authority for an act, but whether the judicial function was effectively protected from external influence. [A1; A4; A7; A19]

Protection of prosecutorial functions: Guideline 4 of the UN Guidelines on the Role of Prosecutors requires prosecutors to perform their professional functions without intimidation, hindrance, harassment or improper interference; Guideline 13 requires impartiality and consideration of all relevant circumstances, whether favourable or unfavourable to the suspect. Replacement of the investigating prosecutor and the

initiation of criminal proceedings against investigators must be assessed by examining the reasons for reassignment together with individualised evidence of criminal conduct. [A24.2]

Safeguards for judicial decision-making: Principles 2 and 4 of the UN Basic Principles on the Independence of the Judiciary require protection of judicial decisions from pressure, threats and improper interference. Principles 17–20 provide safeguards of fair procedure and independent review in disciplinary and removal proceedings. The findings on initial detention in Başer and Özçelik illustrate why these safeguards are indispensable for judicial decision-makers. [A4; A24.3]

Lawyers' professional role: Principles 16 and 21 of the UN Basic Principles on the Role of Lawyers concern protection from improper interference and timely access to information and documents. Principle 22 protects the confidentiality of lawyer–client communications. The direct findings in this case concern restrictions on access to evidence and on exchanging documents for the defence during hearings; the records examined do not establish that lawyer–client meetings were monitored. The ability to test digital data with expert assistance and to discuss relevant documents with the client during a hearing are concrete requirements of effective legal assistance. [A5–A6; A14; A24.4]

Adversarial proceedings and equality of arms: Article 14(3)(b) and (e) of the ICCPR and paragraphs 32–34 and 39 of General Comment No. 32 require the defence to be able to know, understand and test the evidence. Limited access to a file cannot be considered sufficient without assessing the role of inaccessible data in the conviction. Nor can a general reason for refusal substitute for explaining why a particular witness material to the outcome was not heard. [A13–A14; A19]

Independent review of objections and reasoned decisions: Paragraphs 86–88 of Venice Commission Opinion CDL-AD(2017)004 address the inadequacy of the horizontal review system then in force for impartial and meaningful scrutiny; paragraphs 89–91 emphasise reasons addressing individual and substantial objections. This assessment is relevant to the historical institutional context of the 2015 events. The reasons for the decisions examined, the authority before which they could be challenged and that authority's treatment of the objections must also be identified. [A18]

10.1 Supplementary ECtHR Case Law and Limits of Its Application

Source	Relevance to this submission
A25.1 — Kövesi v. Romania 3594/19 • 5 May 2020	Effective judicial review of premature termination of a chief prosecutor's term and retaliation for criticism. Not identical to reassignment of a single case.
A25.2 — Baka v. Hungary [GC] 20261/12 • 23 June 2016	Premature termination of tenure and the chilling effect of sanctions for criticism of judicial reform (§ 167). Not every professional measure automatically constitutes a violation.

Source	Relevance to this submission
A25.3 — Ramos Nunes de Carvalho e Sá v. Portugal [GC] 55391/13, 57728/13, 74041/13 • 6 November 2018	Effective judicial review and hearing safeguards in disciplinary disputes. Not a direct ruling on changes to a criminal trial panel.
A25.4 — Guðmundur Andri Ástráðsson v. Iceland [GC] 26374/18 • 1 December 2020	Three-step examination of a manifest breach in appointment, a fundamental rule and effective domestic review. Different judges' names alone are insufficient.
A25.5 — Alparslan Altan v. Turkey 12778/17 • 16 April 2019	Procedural and reasonable-suspicion safeguards in a judge's initial detention; subsequently obtained evidence cannot be the sole basis for that detention.
A25.6 — Al-Khawaja and Tahery v. the United Kingdom [GC] 26766/05, 22228/06 • 15 December 2011	Reasons, decisiveness and counterbalancing safeguards concerning testimony that could not be challenged through examination. A violation for one applicant, but not the other.

These judgments are not substitutes for evidence of violations in the present case. Reassignment of a prosecutor's case, judicial appointment, professional discipline, initial detention and witness examination are different legal issues; the relevant criteria are applied only to comparable aspects. [A25]

10.2 Legality and Individual Criminal Responsibility

Yüksel Yalçınkaya v. Türkiye [GC] (no. 15669/20, 26 September 2023) examined an approach to conviction giving decisive weight to ByLock use under Articles 7 and 6 of the ECHR, and reliance on association and trade-union membership under Article 11, finding violations. The Court particularly emphasised the systemic nature of the approach to ByLock evidence. Demirhan and Others v. Türkiye (no. 1595/20 and 238 other applications, 22 July 2025) reiterated findings of violations of Articles 7 and 6 where ByLock use was equated with membership of an organisation without individualising the material and mental elements of the offence. [A27.1–A27.2]

Yasak v. Türkiye [GC] (no. 17389/20, 5 May 2026) established that duties undertaken within the educational structure could not automatically justify the conclusion that an individual knew of terrorist aims and knowingly participated in them. The Grand Chamber found that the failure to individualise criminal intent by reference to specific acts, the person's role and the circumstances at the relevant time violated Article 7. The judgment relied upon here is the 2026 Grand Chamber judgment, not the 2024 Chamber judgment. [A27.3]

These principles prevent lawful activities, affiliation or contacts from substituting for the elements of an offence. In the present case, the question is what specific conduct and intent made professional acts such as implementing prosecutorial instructions, issuing judicial decisions or gathering evidence criminal. A subsequent characterisation of an

organisation cannot automatically criminalise every earlier act. Charges of membership of an organisation, offences against the Government and espionage must be examined separately against their respective elements. While these three ECtHR judgments do not automatically determine the outcome of different charges, they strengthen the legal basis for scrutiny of legality and individual responsibility. [A21; A27]

The Court of Cassation's reasoning connecting the acts in 2013 with the element of force and violence in TCC Article 312 is also central to this examination. Page 700 of its judgment refers to the attempted coup of 15 July 2016 and the organisation's character at that date. SRL Swiss asks whether this assessment of later events was substituted for individual conduct, knowledge and intent in 2013. An answer requires identifying, for each person, the contemporaneous evidence and the defence's response. [A35, source pp. 700–703]

11 Combined Assessment of the Findings

Considered together, the findings reveal the differential treatment central to this submission at three stages: officials implementing investigative measures became defendants; judges ordering their release were detained; and prosecutors who closed the investigation advanced to senior judicial positions. The continuation and advancement of some judges who authorised investigative measures also form part of this comparison. SRL Swiss regards this sequence, accompanied by political accusations, as an indication of concrete pressure and a chilling effect on the independence of subsequent decision-makers. [A1–A4; A7; A13; A21; A28–A30]

Access to digital material, witness examination, independent expert review and adequate time are complementary means of defence. Providing one does not automatically cure deficiencies in another. Expert advice cannot be obtained on inaccessible data; contradictions in testimony cannot be clarified at trial if the witness cannot be questioned; and the implications of extensive material disclosed late cannot be addressed without preparation time. The fairness of the proceedings depends on these means being available together and in good time.

SRL Swiss considers this concrete sequence sufficiently serious to warrant international scrutiny of judicial independence and the professional role of the defence. The examination should not be confined to whether each act formally originated from a competent authority. It should assess whether the investigative, trial and review mechanisms together provided an effective safeguard.

12 Explanations and Remedial Measures Requested

The Special Rapporteur is requested, if considered appropriate within the mandate, to address the following questions to the Government of the Republic of Türkiye in an allegation letter, seek the relevant decisions and records, and monitor implementation of remedial measures. This submission concerns documented judicial and institutional issues and does not include a separate request for an urgent appeal.

1. Reassignment of the investigation: provide the decision, reasons and work-allocation record for the change of assignment on 26 December 2013, and the letters

discontinuing the measures; explain how evidence was preserved and the outcome of the severed investigations.

2. Measures taken in response to judicial decisions: provide the results of independent review of Metin Özçelik's and Mustafa Başer's initial detention and professional measures, and the individual and institutional measures adopted to implement the ECtHR judgment.

3. Digital evidence: explain which material was provided to the defence, on what dates, in what format and with what integrity verification; provide independent expert examination and, where necessary, protected access to the remaining material. Distinguish delivery of an examination report from the ability to examine the underlying raw data.

4. Witnesses: provide the outcomes of requests to recall Bayrak and hear the investigating prosecutors and judges who issued the orders. Establish workable procedures for questioning adverse witnesses and hearing defence witnesses material to the merits.

5. Time for the defence: specify document delivery dates, working facilities in prison, the actual time allowed for closing submissions and the outcomes of requests for additional time. Assess those periods against the volume of the file and the scope of the allegations against each individual.

6. Panel composition and impartiality: what assignment and work-allocation reasons explain the sampled panel changes; how did the new panel assess decisive evidence; and what reasons were given in response to recusal requests? What objective criteria and independent review mechanisms prevent professional retaliation for the content of judicial decisions?

7. Technical and professional complaints: explain what substantive examinations were conducted concerning alteration of digital evidence, the accuracy of reports and retaliation for official duties. Independently examine matters that escaped review on the merits because complaints were referred between authorities.

8. Final convictions and subsequent proceedings: distinguish the rulings upheld in 2023 from the charges remitted for further proceedings, and provide decisions on appeals against the 2024 judgments and on the 2025 defence applications in case no. 2024/92. Explain which remedies are available in practice to examine and remedy the alleged procedural deficiencies in respect of final convictions.

9. Political statements and independent decision-making: what concrete measures protected the relevant prosecutors and judges from political pressure following the statements in Section 1.5? How were presumption-of-innocence objections concerning accusatory statements examined? Explain the HSYK's decision-making process, documents relied upon and avenues of independent review during and after the statement of 27 April 2015.

10. Those authorising and implementing measures: for each measure in Section 2, match the prosecutorial request, documents submitted to the judge, authorising decision and police implementation. What examinations were conducted concerning the judges who authorised the same acts? What individual conduct and intent of the

police officers, exceeding the orders' scope or independent of them, were treated as criminal? How were requests to hear the prosecutors and judges as witnesses determined?

11. Differential treatment and professional safeguards: what objective criteria and independent review findings underpin the removals, dismissals, criminal sanctions and promotions concerning those who conducted and closed the investigation, as shown in Section 3.1? What concrete measures have addressed the chilling effect of Başer's and Özçelik's detention on other judges and protected decisions in favour of liberty from retaliation?

SRL Swiss requests examination of the documented events within your mandate, specific responses and records from the Turkish authorities, and follow-up on measures ensuring judicial independence and an effective defence. Priority should be given to safeguards against retaliation for judicial decisions, independent testing of evidence material to the judgment and reasoned responses to substantial defence objections. The finality of convictions does not extinguish the request for international scrutiny of these safeguards. This submission does not seek to initiate a separate individual opinion or compensation procedure.

Document Index and Legal Sources

A1 — Court of Cassation, Third Criminal Chamber, case no. 2021/4197, decision no. 2023/2716. Replacement of prosecutors, discontinuation of measures and April 2015 decisions. Annex bundle pp. 2–7.

A2 — İstanbul Chief Public Prosecutor's Office decision of 25 July 2014. Investigation no. 2014/42981, decision no. 2014/54659. Concluding reasons, referral, severance and signatures. Annex bundle pp. 8–11.

A3 — İstanbul 13th Assize Court, case no. 2015/366, document inventory. Official records of April 2015 decisions and correspondence. Annex bundle pp. 12–15.

A4 — ECtHR, Başer and Özçelik v. Türkiye, nos. 30694/15 and 30803/15. 13 September 2022; final on 30 January 2023. Full text. Annex bundle pp. 16–76.

A5 — İstanbul 13th Assize Court, case no. 2015/366, hearing records. 4 April, 28 June and 5 September 2016, and 8 March 2018. Digital material, access and defence requests. Annex bundle pp. 77–100.

A6 — Request for digital-evidence images of 8 April 2025. Yakub Saygılı, case no. 2024/92. Request for images for independent expert examination and list of material. Annex bundle pp. 101–105.

A7 — Headings of hearing records and judgment identifying judicial panels. Panels on 6 January, 28 June and 5 September 2016; panel section of the judgment in case no. 2023/180, decision no. 2024/241. Annex bundle pp. 106–110.

A8 — Recusal application of 18 March 2025. Yakub Saygılı, case no. 2024/92. Recusal request connected with complaints concerning the panel. Annex bundle pp. 111–113.

A9 — Jurisdictional objection of 26 September 2025. Yakub Saygılı, case no. 2024/92. Objection concerning prosecutorial instructions and judicial-police acts. Annex bundle pp. 114–121.

A10 — Constitutional Court letter of 7 September 2022. Decision not to process the complaint against İrfan Fidan and reasons. Annex bundle pp. 122–123.

A11 — United Nations communication OL TUR 5/2017, 23 May 2017. Measures against members of the judiciary and legal professionals, and constitutional amendments. Annex bundle pp. 124–130.

A12 — United Nations communications AL TUR 2/2019 and OL TUR 15/2020. Murat Arslan case, 30 January 2019; Article 159 of the Constitution and HSK composition, 14 September 2020. Annex bundle pp. 131–145.

A13 — Request of 9 April 2025 to hear prosecutors and judges. Yakub Saygılı, case no. 2024/92. Schedules of decision dates, courts and members of the judiciary. Annex bundle pp. 146–150.

A14 — İstanbul 14th Assize Court, record of 31 January 2019. Case no. 2016/304, 114th hearing. New documents, recall of Bayrak, defence preparation and time allocations. Annex bundle pp. 151–159.

A15 — Two decisions on complaints concerning digital evidence and expert reports. 7 February 2017: investigation no. 2017/2743, decision no. 2017/9103. 25 May 2018: investigation no. 2018/82723, decision no. 2018/43547. Annex bundle pp. 160–164.

A16 — Decisions concerning BTK and Avea/Türk Telekom data. 23 March 2018: investigation no. 2017/5327, decision no. 2018/946. 22 October 2018: investigation no. 2018/117856, decision no. 2018/78547. Annex bundle pp. 165–173.

A17 — İstanbul Chief Public Prosecutor’s Office decision of 28 November 2016. Investigation no. 2014/130976, decision no. 2016/75907. Reasons for taking no further action and records of disciplinary and criminal proceedings. Annex bundle pp. 174–180.

A18 — Venice Commission Opinion CDL-AD(2017)004, 10–11 March 2017. In particular §§ 86–91 and 101–106. Horizontal review and reasoned decisions. Annex bundle pp. 181–186.

A19 — UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32. In particular §§ 19–21, 32–34 and 39. Independence, access to evidence and witness examination. Annex bundle pp. 187–193.

A20 — HRD report on judicial independence, 2019. Establishment by law, independence and impartiality of first-, second- and third-instance courts in criminal proceedings. Complete 52-page text; in particular §§ 66, 78–85, 109 and 125. Annex bundle pp. 194–246.

Citation convention: “source p./pp.” refers to the source document’s own pagination; “Annex bundle p./pp.” refers to the page in the combined annex PDF. A1–A27 are in the principal annex bundle; A28–A34 are separate source records. A24–A27 are reference sheets containing links and explanations, not copies of the original sources. A35–A36 contain selected judgment pages added during the review. Full judgments are retained in the organisation’s archive; selected pages should be read in their relevant context and together with the operative provisions.

A21 — Case details and operative provisions of the reasoned judgment of 2 December 2024. Annex bundle pp. 247–254.

A22 — First and last pages of Yakub Saygılı's appeal of 4 March 2025. Annex bundle pp. 255–257.

A23 — Türkiye's response to communication AL TUR 3/2024. Annex bundle pp. 258–279.

A24 — Reference sheets on international standards, A24.1–A24.4. Annex bundle p. 280.

A25 — ECtHR case-law reference sheets, A25.1–A25.6. Annex bundle pp. 281–282.

A26 — Reference sheets on the HRD publisher, the Special Rapporteur and the official response. Annex bundle p. 283.

The consent schedule appears at the end of this report. Signed consent records for eight individuals are supplied as separate two-page files in the 03_Izinler folder. They do not alter the A-numbering of the evidential annexes.

A27 — Yalçınkaya, Demirhan and Others, and Yasak judgments: reference sheet on legality and individual criminal responsibility. Annex bundle pp. 284–285.

A28 — Dated Sources for Political Statements

A28.1–A28.4 are the online source records listed below, with direct links. Accessed 11 October 2026. A28.1 is contemporary press coverage of the programme; A28.2 is the text published by the speaker's party; A28.3–A28.4 are dated Anadolu Agency reports of the speeches.

A28.1 | 29 December 2013 | Cumhuriyet | New minister signals an operation
https://www.cumhuriyet.com.tr/haber/yeni-bakandan-operasyon-sinyali-23737

A28.2 | 4 January 2014 | AK Parti | An attempted judicial coup
https://www.akparti.org.tr/haberler/yargi-darbesi-yapilmak-istendi/

A28.3 | 21 June 2014 | Anadolu Agency | There will be no 34-year wait for those who attempted a coup through the judiciary
https://mobile.aa.com.tr/tr/politika/yargi-yoluyla-darbe-yapmaya-yeltenenler-icin-34-yil-beklenmeyecek/149233

A28.4 | 27 April 2015 | Anadolu Agency | There is a judicial authority usurping power
https://www.aa.com.tr/tr/turkiye/yetki-gasbi-yapan-bir-yargi-merci-var/53262

A29 — Sources on Changes of Office and Professional Measures

Online source records. Accessed 11 October 2026. A29.1–A29.4 are official institutional records; A29.5 is a dated news report reproducing an HSYK statement.

A29.1 | Constitutional Court: İrfan Fidan, official biography. Link updated on 7 November 2026.
https://www.anayasa.gov.tr/tr/baskanvekilleri-ve-uyeler/baskanvekilleri/irfan-fidan

A29.2 | Constitutional Court: election of Vice-President, 10 March 2026
https://www.anayasa.gov.tr/tr/duyurular/anayasa-mahkemesi-baskanvekili-secimi/

A29.3 | HSK: election to the Court of Cassation, 17 January 2024
https://www.hsk.gov.tr/yargitay-uyeligi-secimine-iliskin-duyuru_2001

A29.4 | HSK: Fuzuli Aydoğdu, official biography
https://www.hsk.gov.tr/fuzuli-aydogdu

A29.5 | Anadolu Agency, 12 May 2015: reasons for Zekeriya Öz's dismissal announced; HSYK statement
https://www.aa.com.tr/tr/turkiye/zekeriya-ozun-ihrac-gerekcesi-aciklandi/48130

A30 — Official Records of Subsequent Appointments of Judges Who Authorised Measures

A30.1 | Justice Academy of Türkiye, handover of office, 16 January 2025
https://taa.gov.tr/haber/turkiye-adalet-akademisinde-devir-teslim-toreni-gerceklestirildi

A30.2 | HSK, decision no. 226 of 16 July 2018; p. 2, entry 38
https://hsk.gov.tr/Eklentiler/files/Yarg%C4%B1tay%20%C3%9Cyeli%C4%9Fine%20Se%C3%A7ilenler.pdf

A30.3 | HSK, decision no. 1251 of 12 June 2026; p. 3, entry 67
https://hsk.gov.tr/Eklentiler/12062026213812062026-1251-adli-karar-siralipdf.pdf

A31 — SRL Swiss, Judicial Independence Monitoring Report, 17 December 2013–20 October 2026. Introduction, source methodology and cross-case assessment.
https://srlswiss.com/judicial-independence-in-turkiye-documented-cases-and-the-implementation-of-judgments/

A32 — Court of Cassation, Third Criminal Chamber, case no. 2021/4197, decision no. 2023/2716, source pp. 638, 641. Account of orders issued by Süleyman Karaçöl and Menekşe Uyar for the identification and recording of communications.

A33 — OHCHR, guidance on submitting information to the Special Procedures, "Consent and confidentiality". Choices regarding disclosure of names to the Government and the public. Accessed 6 November 2026.
https://spsubmission.ohchr.org/en

A34 — ECtHR, Practical Guide on Admissibility Criteria, 31 August 2026, §§ 264–273: ECHR Article 35 § 2 (b), substantially the same matter submitted to another procedure of international investigation or settlement.
https://www.echr.coe.int/Documents/Admissibility_guide_ENG.pdf

A35 — Court of Cassation, Third Criminal Chamber, 9 May 2023, case no. 2021/4197, decision no. 2023/2716. Selected pages 700–712 of the full judgment. Convictions under TCC Article 312 upheld with a correction, acquittals and quashing orders. A35_Yargitay_Onama_ve_Bozma_Sonuc.pdf. Annex bundle pp. 286–299.

A36 — Individual and procedural records in the 17 December case. İstanbul 14th Assize Court, case no. 2016/304, decision no. 2019/63, source pp. 3–4 (entries identifying Adem Atik and Ayhan Arıkanoğlu; other personal information redacted); case no. 2023/81, decision no. 2024/115, 13 September 2024, source p. 72 (record of cassation review and severance). A36_17_Aralik_Kisi_ve_Safahat_Kayitlari.pdf. Annex bundle pp. 300–303.

Consent Documents and Case Connections

Record of signed consent — 9 November 2026

Signed consent pages for the eight individuals below have been included in the submission package. Each selects full disclosure. Consent is still being sought from other individuals. Consent to disclosure does not require publication of identity numbers, addresses or signatures in the public report.

Full name	Document date	Disclosure scope	Document record
Adem Atik	30.10.2026	Full disclosure	Both form pages
Mehmet Fatih Yiğit	28.10.2026	Full disclosure	Record sheet + signed p. 2
Ayhan Arıkanoğlu	28.10.2026	Full disclosure	Record sheet + signed p. 2
Yasin Topçu	27.10.2026	Full disclosure	Record sheet + signed p. 2
Mehmet Habip Kunt	27.10.2026	Full disclosure	Record sheet + signed p. 2
Kazım Aksoy	27.10.2026	Full disclosure	Record sheet + signed p. 2
Yakub Saygılı	30.10.2026	Full disclosure	Record sheet + signed p. 2
İbrahim Şener	30.10.2026	Full disclosure	Record sheet + signed p. 2

Both pages of Adem Atik's form were supplied. For each of the other seven individuals, the supplied signed second page is presented with an administrative record sheet as a separate two-page file. The administrative sheet is not a substitute for the missing first page of the signed form. Source scans and their markings have not been altered.

Original sources have not been altered. Unnecessary personal data are visibly redacted in the submission annexes; judicial reasoning and source-page references are retained. Other private individuals are identified by codes in this report; these codes do not imply authority to represent them or consent to disclosure.