



PROCEEDINGS FOLLOWING THE İZMİR MILITARY ESPIONAGE CASE

DEFENCE RIGHTS, PERSONAL LIBERTY AND INDIVIDUAL CRIMINAL RESPONSIBILITY

Human Rights Review Report

Security Studies and Rule of Law Association (SRL Swiss)

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1. BACKGROUND AND SUBJECT MATTER OF THE PROCEEDINGS

The İzmir military espionage case originated not in an investigation into military documents, but in allegations of prostitution, blackmail and human trafficking arising from a tip-off dated 10 August 2010. Communications interception and physical surveillance were conducted in investigation no. 2010/640 of the İzmir Chief Public Prosecutor's Office. The investigation subsequently expanded to include allegations concerning the procurement of military information and documents. Searches conducted in May 2012 and digital materials reportedly seized during those searches formed the basis of the proceedings publicly known as the "İzmir military espionage case". [1]

The military espionage proceedings against military personnel and civilians ended in acquittals on 26 February 2016. In parallel, separate investigations had been opened into the conduct of the police officers who had carried out the military espionage investigation. In those separate proceedings, it was alleged that the investigation had been conducted to incriminate individuals for organisational purposes, rather than to uncover a criminal organisation. Requests for interception of communications, search records, digital examinations and relations between officials became the subject of the charges against the police officers. [1, 2]

This report examines the criminal proceedings against police officers involved in the military espionage investigation and other public officials in related cases. In this report, "the military espionage proceedings" means the case against military personnel and civilians that ended in acquittals on 26 February 2016; "the proceedings against public officials" means the case in which the İzmir 2nd Assize Court delivered judgment on 29 May 2019. The parties, allegations and outcomes in these two cases are assessed separately.

The allegations of fabricated evidence, unlawful interception and deprivation of liberty made by the defendants in the military espionage proceedings require effective investigation. That obligation applies alongside the obligation to safeguard defence rights in the proceedings against public officials. The acquittal of military personnel and civilians does not prove that a particular official knowingly fabricated evidence. Each official's conduct, knowledge and intention must be established by individualised evidence.

Case no. 2016/106 was joined to the principal proceedings, case no. 2016/97, before the İzmir 2nd Assize Court. Persons with different duties and roles in different investigations were tried for offences involving forgery, false accusation, fabrication of an offence, personal data, private life and communications, in addition to the organisation-related charges. The presence of multiple defendants does not establish common evidence or shared responsibility. [2, 3]

The indictments and judgments use the designation "FETÖ/PDY" for the organisation-related charges; this is the name given by the Turkish authorities to the structure they associate with the Gülen movement. Those tried were not exclusively police officers; they included persons holding other public offices, such as the defendant Mesut Kesen. [2, 4] The terms "defendant", "complainant", "intervening complainant", "witness" and "defence counsel" refer to the person's procedural status at the time of the act described, not their current legal status. Acquittals and other outcomes are stated separately.

The proceedings addressed ByLock data, classification lists on SD cards, banking transactions, communications traffic records (HTS) and witness testimony. In this report, HTS refers to records of the date, time and duration of a call or connection and, depending on the

type of record, telephone line, device or base-station information; it does not refer to the content of communications. The accuracy of the data, its attribution to a particular person and its relationship to the elements of the offence must be examined separately.

The first-instance judgment against the public officials was delivered on 29 May 2019; the regional appeal was determined on 1 March 2021; and the Court of Cassation upheld some rulings and quashed others on 7 February 2023. As the same person could be acquitted of one offence and convicted of another, each defence objection has been assessed in relation to the relevant offence and outcome. [4, 5, 6]

Procedural History

Topic	Verified information
Persons tried	The 75 individuals numbered 1–75 in the first-instance operative part. They include police officers and senior officers as well as other public officials. [4]
Charges	Article 314 TCC: establishing/leading or belonging to an armed organisation; Article 302: undermining the unity of the State and territorial integrity; Article 336: disclosing prohibited information. Charges differ by individual. [2, 4]
Military espionage proceedings against military personnel and civilians	26 February 2016: İzmir 12th Assize Court, case no. 2014/100, decision no. 2016/37; acquittals. [1]
First-instance judgment against public officials	29 May 2019: İzmir 2nd Assize Court, case no. 2016/97, decision no. 2019/335. Records dated 30 May 2019 concern post-judgment acts. [4, 5]
Examples of outcomes	Membership sentences: Mesut Kesen, 7 years 6 months; Suat Güreycan, 11 years; Gökay Ersel Gülek, 11 years 8 months 7 days; Taner Aydın, 12 years 4 months 15 days. The latter two also received rulings for other offences; these are not aggregate sentences or current enforcement calculations. [4]
Examples of acquittals	Ziyattin Kurt: acquitted of membership and the evidence-related offence. Mesut Kesen and Suat Güreycan: acquitted of offences concerning investigative acts listed in their paragraph A; convicted of membership under paragraph B. [4]
Appeals	1 March 2021: İzmir Regional Court of Appeal, 2nd Criminal Chamber, case no. 2020/1447, decision no. 2021/249. 7 February 2023: Court of Cassation, 3rd Criminal Chamber, case no. 2021/20628, decision no. 2023/471; rulings upheld and individual rulings quashed. [5, 6]
Limits of current information	As at 21 October 2026, the latest verified decision in this case is dated 7 February 2023. Post-remittal outcomes, individual Constitutional Court/ECtHR applications and current detention/sentence-enforcement status could not be verified. The 2026 Yalçinkaya execution document does not establish a subsequent decision in this case.
75 individuals: first-instance distribution	40 with at least one conviction; 1 with suspension of pronouncement of judgment (HAGB) and acquittal; 32 with acquittals only; 1 with acquittal and dismissal of proceedings; 1 with acquittal and no penalty imposed. These are distinct person-based categories; the conviction group may also include acquittals/dismissals. [4; Appendix B]

Offence provisions: Article 132 of the Turkish Criminal Code (TCC) concerns breach of the confidentiality of communications; Article 134, breach of the privacy of private life; Article 135, recording personal data; Article 136, unlawfully disclosing or obtaining personal data; Article 204 § 2, forgery of an official document by a public official; Article 267, false accusation; Article 271, fabrication of an offence; and Article 281 § 2, destruction, concealment or alteration of evidence by a public official in connection with official duties. These descriptions explain the charges; the individual outcomes appear in Appendix B. [2, 4]

2. REPORT SUMMARY

This report examines defence rights, personal liberty and individual criminal responsibility in the proceedings against public officials. The confidence levels below describe the nature of the supporting evidence; they are not findings by a court that a violation occurred.

1. Access to the digital case file — documented procedural act; prima facie rights concern. The court recorded that computer access was necessary for the defence. Subsequent hearing records show continuing access difficulties. The same restriction has not been presumed for every defendant. Basis: third hearing, interlocutory decision 45; 24th and 31st hearings (§3; Appendix D/1).

2. Testing technical evidence — documented refusals; prima facie rights concern. Requests for raw data, forensic images/hash values and examination of report authors were refused. Whether those refusals addressed the individual technical objections raises concerns. Basis: 22nd hearing, interlocutory decisions 6 and 27; decision concerning Güreyca at the 29th hearing (§§4–6; Appendix D/3–5).

3. Exculpatory evidence — documented refusals; effect on the outcome requires individual assessment. Requests to test Gülek's explanation of the source of funds, Özoğlu's identification evidence and Güreyca's account of dates and location were refused. Given Güreyca's acquittal of the offences concerning investigative acts, the refusal to obtain HTS records has not been treated as the basis of his conviction for membership (§6; Appendix D/2, 6).

4. Financial explanation — documented objection; prima facie plausible alternative. The defendant Mesut Kesen's account of regular payments is broadly consistent in amount with the Central Bank of the Republic of Türkiye's January 2014 exchange rate. This comparison does not prove that payment was made; it reinforces the importance of the request for technical examination (§7).

5. Detention — documented reasons; prima facie concern regarding individual assessment. The decisions concerning Akyürek and Karagöz place emphasis on presumptions concerning offences listed in the detention provisions. By contrast, the decision of 14 March 2017 addressed personal circumstances. The duration table sets out verified decision dates; it does not treat the intervening days as continuous detention (§10; Appendix D/8).

6. Outcomes and current position: the first-instance judgment of 29 May 2019, regional appellate decision of 1 March 2021 and Court of Cassation judgment of 7 February 2023 are documented. Appendix B sets out the outcomes for 75 individuals. Decisions following remittal, individual applications to the Constitutional Court/ECtHR and the sentence-enforcement position as at 21 October 2026 could not be verified (§11).

2.1 Scope and legal framework

Our assessment is based on an examination of the relevant portions of the reasoned judgment and the individual, offence-specific outcomes in its operative part, together with hearing records and the regional appellate and cassation decisions. Defence submissions, documented judicial acts and legal assessment are distinguished throughout. [4, 5, 6; Appendix A, 34]

The state of emergency declared after the attempted coup of 15 July 2016, which remained in force until July 2018, forms part of the legal context of some of the hearings. Türkiye notified derogations under Article 15 of the European Convention on Human Rights (ECHR) and Article 4 of the International Covenant on Civil and Political Rights (ICCPR). Those notifications do not automatically justify every restriction on defence rights or personal liberty. Each measure requires a separate assessment of its connection with the emergency, necessity and proportionality. [7]

The principal domestic provisions are Articles 100–101 of the Code of Criminal Procedure (CMK) (detention and reasons for detention); Article 134 (searching and copying computer data); Articles 177–178 (defence evidence and production of persons whose summons has been refused); Article 201 (questioning); Article 206 § 2 (b) and (c) (refusal of evidence incapable of affecting the outcome or requested solely to prolong proceedings); Articles 217 and 230 (examination of evidence and reasons for judgment); and Articles 24–28 (recusal of judges). The provisions relied on in the decisions examined are considered in the context of their application at the relevant time. [8]

Article 206 § 2 (c) CMK requires that the request have been made solely to prolong the proceedings. The fact that obtaining the evidence would take additional time does not, by itself, establish that purpose. Article 201 CMK governs questioning of defendants, witnesses and experts. Where further explanations are sought from co-defendants, their right to remain silent must be respected; a request should not be excluded from consideration merely because the person is a defendant. [8]

At international level, Article 6 ECHR and Article 14 ICCPR protect defence preparation, equality of arms and the ability to challenge evidence; Article 5 ECHR and Article 9 ICCPR protect personal liberty. The UN Human Rights Committee's General Comment No. 32 explains the defence's entitlement to necessary documents and evidence; General Comment No. 35 explains the requirement for an individual assessment of the necessity of detention. [9, 10]

OSCE commitments are also directly relevant: paragraph 13.9 of the 1989 Vienna Document addresses effective remedies and access to reasons; paragraphs 5.15–5.19 of the 1990 Copenhagen Document address review of detention, fair trial, legal assistance, legality and the presumption of innocence. Paragraph 12 of the Copenhagen Document supports trial observation, and paragraphs 19–20 of the 1991 Moscow Document support the independence of the judiciary and legal profession. The sections on defence preparation, access to evidence and experts in ODIHR's Legal Digest of International Fair Trial Rights supplement this monitoring framework. [11]

Yüksel Yalçinkaya v. Türkiye examined the automatic equation of ByLock use with membership of an organisation and the opportunity effectively to challenge technical evidence. The comparison in this report is confined to individual assessment of knowledge and intention and to defence safeguards. It is not assumed that ByLock carried the same decisive weight in the conviction of every defendant in this case. The obligation to execute judgments under Article 46 ECHR does not automatically set aside other criminal judgments. [12]

Execution of Yalçinkaya: the Committee of Ministers' decision of 12 June 2025 called for the retrial to comply with ECtHR standards, monitoring of first-instance practice and concrete measures to address repetitive applications; it requested information by the end of June 2026. The Secretariat's notes record a fresh conviction on 12 September 2024 and ongoing appellate proceedings in June 2025. These records describe the position at different dates. [13]

Türkiye's updated action plan of 12 October 2026 maintains that practice complies with the Convention and that no additional general measures beyond training are necessary. This is the Government's position, not a decision by the Committee of Ministers that the problem has been resolved. The case-specific question addressed by this report is which concrete procedural steps answered the technical objections raised. [14]

Appendices A–D are provided in a separate volume accompanying this main report. Appendix A assesses defence submissions and judicial acts under 36 headings; this is not a count of violations. Appendix B matches the defences of 75 individuals with the relevant outcomes. Appendix C provides source particulars; Appendix D presents translated extracts from critical interlocutory decisions.

3. ACCESS TO THE CASE FILE AND CONDITIONS FOR DEFENCE PREPARATION

The court expressly recorded the scale of the problem in interlocutory decision 45 at the third hearing on 19 December 2016. It stated that the principal case comprised 250 folders, that the earlier case extended to 1,300 folders and digital data equivalent to 12,000 folders, and that defendants and their counsel had each been given an average of 60 GB of data. It accordingly explained the need to provide computers without internet access capable of reading CDs, DVDs and portable storage devices. The court itself acknowledged that failure to do so would prevent defendants from enjoying the time and facilities necessary to prepare their defence. [15]

Access problems nevertheless continued at subsequent hearings. In his petition of 19 March 2018, the defendant İlhan Uran stated that he had been informed that his HTS records had reached the prison, but that they had not been supplied to him and that a question of payment had arisen. At the same stage, he also raised problems with sound during the video hearing. The court's renewed action to arrange transmission and computer-based inspection of the records illustrates the difference between digital documents reaching a prison and the defendant being able to examine them. [16]

A prison letter of 9 January 2018 stating that the Excel-format ByLock list could not be printed was also entered in the hearing record in relation to defendants Erkan Değer, Muhammet Ali Özmen and Mükremin Dal. The court stated that the digital data supplied should be read on a computer without internet access and that a new order should not be sought on every occasion. Inability to print a technical file had become an obstacle to defence examination of its contents. [16]

The defendant Gökay Ersel Gülek's final defence in 2019 shows that the problem persisted until judgment. Gülek stated that he could use a computer for only one hour per week in Menemen Prison, could not access certain folders concerning him, and had obtained no result from his applications. His counsel, Firuze Korkmaz, stated that she had been appointed on 2 May 2019 and informed the court that one hour's computer access per week was insufficient to prepare a case consisting predominantly of digital data. Both statements identify the same concrete restriction on access. [17]

The defendant Yasin Çakmak's defence also shows that access was not merely a question of time. He explained that he needed a processable file to compare telephone records, could not carry out the necessary work with PDF-format data under prison conditions, and lacked the means to obtain private expert assistance. In a case of this kind, viewing data, searching it, sorting it and comparing it with other records are distinct capabilities. [17]

The fact that facilities considered necessary by the court in 2016 were again the subject of complaints in 2019 indicates that the practical effect of the order requires separate scrutiny. For Gülek, the account of restricted access and counsel's statement that she was appointed on 2 May 2019 must be considered together: 27 days elapsed between appointment and judgment. That interval alone, however, cannot establish a violation without a full account of earlier legal assistance, actual preparation time and defence work left incomplete. The available hearing records do not establish identical restrictions in every prison or for every defendant. [15, 16, 17]

In *Rook v. Germany*, the ECtHR found no violation, having assessed that the defence had sufficient time and functional means to access a large electronic dataset. In *Sigurður Einarsson and Others v. Iceland*, it likewise found no violation concerning data access; the identification of a specific issue that further searches could resolve was important. The latter judgment also found a separate violation concerning impartiality and therefore cannot be characterised as finding "no violation" overall. [18]

The concrete disadvantages requiring examination here are Gülek's allegation that he could not examine his own folders and Çakmak's explanation that he could not process telephone data in a form permitting comparison. Delivery of the data, usable format, access time, legal assistance and the work left undone must be documented together. Without that information, it cannot be asserted that the access problem would have changed a particular conviction; the present finding is a substantial complaint as to whether effective defence facilities were provided. [17]

Encrypted documents and practical access: the defendant Mustafa Karabal's difficulty accessing six encrypted reports was not confined to his own complaint. The hearing record states that the passwords had not been shared and that a letter was sent to the General Directorate of Security. The court's renewed request was an attempt at a remedy; the ability actually to open and examine the file supplied remains a separate consideration. In response to Mesut Kesen's request for read access to UYAP and Abdullah Akyürek's request concerning restrictions on meetings with counsel, it was stated that authority lay with other bodies. Those replies alone do not demonstrate that the defence facilities required were provided in practice. [Appendix A, 7–10]

Effect of changes of counsel on preparation: as judgment approached, changes of counsel arose for several defendants because of conflicts of interest. The joint representation of Taner Aydın and Yaser Özoğlu was considered in this context. Preventing conflicts serves the defence's interests; the new lawyer's opportunity to examine the file, meet the defendant and assess the earlier defence must also be preserved. The repetition of some defence submissions has been taken into account as a mitigating procedural measure. The direction that Seyfullah Özdemir's new counsel should prepare and present the defence jointly when the defendant attended is also part of this differentiated assessment. [Appendix A, 11; Appendix B, Seyfullah Özdemir]

4. ACCESS TO TECHNICAL EVIDENCE AND EFFECTIVE CHALLENGE

The defendant Mesut Kesen requested the examination at the hearing of the authors of the technical reports relied on in the charges. The request covered Göktürk Üçoluk and Özgür Kaya, together with Kemal Altınsoy, Emrah Kala and Hüseyin Emer, who had worked on reports concerning digital materials seized from his home and vehicle. Interlocutory decision 6 in the record of the 22nd hearing on 13 November 2017 refused the request on the grounds that their examination would not affect the decision and would prolong the proceedings. Interlocutory decision 5 in the same record stated that the objection to the technical report would be assessed together with the merits. [19]

These two decisions must be considered together. The defendant challenged a technical report and sought to question its authors, but assessment of the objection was deferred until judgment without allowing such questioning. Recording an objection is not equivalent to testing a report's foundations. The data used by an expert, the assumptions adopted, the records disregarded and the limits of the conclusions can be identified only through appropriate examination and adversarial discussion.

Interlocutory decision 27 at the same hearing collectively refused ByLock-related requests made by Cem Gülbayoğlu, the defendant Mehmet Emin Çakıcı, the defendant Yaser Özoğlu, counsel for Ferda İleri, the defendant Yusuf Uşen, Nazmi Ardiç and the defendant Ahmet Pek. The defence sought information on who had obtained the data, when and by what method; a forensic copy of the server or raw data; hash information permitting verification that the data had not changed; and expert examination. Referring

to the account of the acquisition method in the Court of Cassation's 16th Criminal Chamber decision of 24 April 2017, the court considered the requests incapable of affecting the merits and likely to prolong the proceedings. [20]

A general precedent does not answer whether particular data has been correctly attributed to a particular person. The admissibility of a category of data and the accuracy of attribution in this case are distinct questions. Reliance on a general judgment without addressing the technical substance of the objection weakened the defendant's ability to defend his individual position. A similar approach appears in responses to expert-examination requests at the 2019 hearings. [21]

The Grand Chamber judgment in *Yüksel Yalçinkaya v. Türkiye* provides guidance on effective challenges to electronic evidence and the individual establishment of the material and mental elements of an offence. It addressed uniform inferences drawn from ByLock use and shortcomings in the defence's ability to test the evidence. The issue in this report likewise concerns whether the defence can scrutinise the technical allegation against the individual, rather than the name of a particular application. [12]

The refusal to summon report authors is a specific procedural finding. The statement that objections would be assessed with the merits indicates deferred consideration, rather than disregard of the objections. In our examination based on the operative part of the judgment, the criticism concerns refusal reasons that do not engage with the substance of the technical objection and the defence's opportunity to test expert opinion. Any subsequent remedial steps must also be considered within that individual's defence proceedings. [19, 20, 21; Appendix A, 14]

Individual technical inconsistencies: counsel for Müjdat Karagöz argued that the alleged ByLock detection date was actually the subscription contract date and requested confirmation from the operator of when the line had been activated. The request was refused as incapable of affecting the decision and as prolonging proceedings. Ahmet Kaya maintained that his son used the line attributed to him, that the application had been installed while he was detained and that a decision not to prosecute him had been issued. Ali Bekar's objections concerning discrepancies between ID, IMEI and log-CGNAT records likewise concern individual attribution. These submissions do not establish technical accuracy by themselves, but identify verifiable defence issues distinct from a general debate about a category of data. [Appendix A, 15; Appendix B, Ahmet Kaya and Ali Bekar]

4.1 Failure to create forensic images on site and consistent application of digital-evidence safeguards

Reliable preservation of digital material in the state in which it was obtained is a prerequisite for an effective defence challenge. A forensic image is a forensic copy of the material; a hash value is a technical digest enabling comparison of a particular dataset. The timing of imaging, custody of the material in the intervening period, sealing and transfer records, and provision of an examination copy to the defence must be assessed

together. The legal assessment of these acts must apply the provisions in force at the relevant time. [8]

In his final submissions at the 31st hearing, Mesut Kesen's counsel, Mustafa Uncu, alleged that computers and digital materials had been removed during the home search of 23 July 2016 without forensic imaging, that hash values and certain serial numbers had not been recorded, and that no copy had been supplied to the defence. Counsel further maintained that seven additional items had been added to the record after the officers left, by a record dated 24 July 2016 at 00:45, and that bags had been opened without the defendant or his lawyer present. These are specific defence objections recorded at the hearing; they do not, by themselves, prove that material was added subsequently or that its contents were altered. [22; Appendix A, 35]

The significance of these objections for defence rights lies in the individual's ability to verify whether the data used against him is identical to its contents at seizure. A subsequently created image or calculated hash cannot, by itself, resolve a dispute about earlier custody. Under Article 6 § 1 and Article 6 § 3 (b) ECHR, the defence must be able to access search, seizure, sealing, transfer and examination records and submit specific inconsistencies for technical examination. The assessment must identify the material concerned and the charge in the judgment to which the objection relates. [4, 8, 22]

The defendant Ramazan Özdemir maintained that, while he was accused of deficiencies in on-site imaging, sealing, copying and evidence security in the military espionage investigation, similar safeguards had not been applied to the digital evidence used against him. Muhammet Ali Özmen likewise argued that procedural irregularities in the military espionage proceedings did not automatically amount to intentional fabrication of evidence by police officers. These submissions raise the question whether reliability standards were applied consistently in the two sets of proceedings. [22; Appendix A, 36]

The judgment of the Court of Cassation's 3rd Criminal Chamber of 7 February 2023, case no. 2021/20628, decision no. 2023/471, records deficiencies concerning orders under Article 134 CMK, properly created forensic images and hash records for certain searches in the military espionage investigation, together with an assessment of unlawfully obtained evidence. It also records that the military espionage proceedings ended in acquittals by the İzmir 12th Assize Court's judgment of 26 February 2016, case no. 2014/100, decision no. 2016/37. These records support the importance of the acquisition procedure for digital evidence in those proceedings; they do not establish that failure to image on site was the sole reason for every acquittal. [1, 6; D44]

The defendant Yusuf Usşen explained the inability to create forensic images on site by reference to insufficient equipment and staff and the time required. Ziyattin Kurt's account of the search of 10 May 2012 stated that some systems had been imaged on site, while imaging of one computer had been technically impossible. These differing records preclude treating all searches alike. Technical deficiencies require investigation as to evidential reliability; criminal intent must be established separately for each official. [22; D26]

The evidential safeguards applicable in the military espionage proceedings must also be respected in the proceedings against public officials. Nevertheless, seizure of a physical device from a home and acquisition of server data from another source are not the same collection process. Comparison must address each item's source, acquisition method, chain of custody and availability for defence scrutiny. The effect of a particular objection on the relevant outcome must be assessed while preserving the distinctions between individuals and offences in the operative part. [4, 6, 22]

4.2 Assessment of the basis of the charges and defence safeguards

The charges and factual account accepted in the Court of Cassation judgment assess together inaccurate information notes, indirect connections presented as direct relationships, the use of preventive interception despite an ongoing criminal investigation, Article 134 CMK safeguards and imaging/hash deficiencies in digital procedures, and witness testimony. The allegation concerns not merely technical error, but incrimination of individuals for organisational purposes. The accounts of Ali Bal and Eyüp Şahabettin Güner are among the supporting grounds. This is the official case as set out in the judicial decision. [6]

The charges reproduced in the Court of Cassation judgment rest not only on technical deficiencies, but on the allegation that these acts were performed knowingly and for organisational purposes. This allegation requires effective investigation for the benefit of those affected by the military espionage investigation. For the public officials, each individual's conduct, knowledge and intention must be established separately. Standards protecting evidential reliability must apply in both sets of proceedings. The defence's demand for those standards does not justify unlawful conduct in the military espionage investigation.

5. INDIVIDUAL ATTRIBUTION, DATA INTEGRITY AND SCRUTINY OF REASONS

Objections to the SD cards reportedly obtained from the anonymous witness code-named "Garson" concern more than the witness's identity. The defence questioned when the lists were created, whether they were subsequently altered, whether they were accurately reproduced in reports and how the codes were attributed to individuals. This distinction matters. Examination of the witness at a hearing does not automatically answer technical objections to the accuracy of digital lists. Indeed, although Garson's examination appears in the record of the 26th hearing, requests for the original data continued. [23]

In his petition of 14 November 2018, the defendant Suat Güreyca requested seizure and imaging records, metadata and the original raw digital records. He explained that he had previously received only the prosecutor's imaging instruction and the judicial order under Article 134 CMK. His request sought not merely to establish whether the operation was authorised, but to verify whether the data had been accurately reproduced in the report. The court refused this renewed request as incapable of affecting the merits. [24]

The decision preceding Mustafa Karabal's final defence illustrates the same approach more clearly. Karabal sought the raw data underlying his profiling records and the

records underlying the telephone traffic analysis. The court stated that the acquisition orders were in the file and that, apart from the defendant's allegation, there was no record indicating unlawful collection; it considered the requests intended to prolong proceedings. [25]

Legal authorisation, technical integrity and individual attribution are distinct questions. Refusing a defence request for raw records because no other record demonstrates an irregularity risks giving reasons that fail to address the evidential purpose of the access request. Nevertheless, lawful access to the data is a factor supporting the evidence; the particular record that resolves the technical objection must be explained separately. [26]

Mehmet Emin Çakıcı's requests in his final defence provide an individualised example of the broader objection. Çakıcı alleged a discrepancy between a date in the SD-card data and his appointment date, and requested examination of the image and date information. He also sought comparison of witness accounts concerning him. Some requests were refused by reference to earlier refusals, others as incapable of affecting the merits. The alleged date discrepancy differs from an abstract claim that "the data is unreliable": it identifies a testable inconsistency between the record and the individual's service history. [26]

The file also contains a specific correction demonstrating the possibility of transcription error. It was reported that Taner Aydın's name had been recorded as Ali Aydın in the transcript of Garson's statement, and a correction was made. Although this was a step to rectify the error, it also illustrates why the defence must be able to compare the primary recording with its transcript. [27]

Correspondence received in 2019 further stated that no data had been found in the specified lists, and no report could be prepared, for fourteen people including Ahmet Pek, Mustafa Edip Çakmak, Taner Aydın and Yaser Özoğlu. These individuals cannot be treated as having the same evidential position as persons for whom classification entries exist. The absence of adverse data must also be expressly reflected in an individual assessment. [27]

Legal authorisations concerning the SD cards do not, by themselves, answer objections about transcription into reports or individual attribution. Güreyçan's request to verify transcription and Çakıcı's date discrepancy identify specific investigative objectives. The report's finding is that those requests were not met by the identified interlocutory decisions; the operative part examined does not independently establish that raw data was never subsequently made accessible or that those records were decisive evidence against every defendant. [24, 25, 26, 27]

Taner Aydın's objection to individual attribution: Aydın maintained that personal details in the account attributed to him were inconsistent with his circumstances and raised the possibility of mistaken identity. This defence calls for attribution to be tested against concrete data; the statement is not independent proof of a mistaken match. [Appendix A, 16]

6. REQUESTS TO OBTAIN DEFENCE EVIDENCE

Gökay Ersel Gülek requested that the relevant police unit supply the sale agreement for his licensed firearm to show that the money deposited in his Bank Asya account came from its sale. He also requested documents concerning official training and school projects in which he had worked. Interlocutory decision 4 at the 22nd hearing refused these requests because the matter to be proved would not affect the decision and would prolong proceedings. A specific request for documentary evidence of the source of funds directly answers the inference of an organisational purpose. [28]

Another request preceding Gülek's final defence concerned the allegation that he had scanned for covert listening devices. In response to witness testimony, he sought inquiries into whether the Anti-Smuggling and Organised Crime Branch (KOM) had such a duty, possessed the necessary equipment and had provided services using that equipment. The court refused the request as unrelated to proof of the allegation against him and as prolonging the hearing. The request, however, sought to establish whether the alleged conduct could be explained as part of his official duties. [29]

Suat Güreycan requested HTS records for the date stated in a procedural record and the preceding day if his explanation that the date had been entered inadvertently was not accepted. He sought to establish through those records whether he had been at the location. The court refused the request as incapable of affecting the merits and as prolonging the hearing. HTS records do not independently establish a person's exact location, but could assist in investigating the discrepancy in date and location identified by the defence. [29]

Counsel for Kürşat Şenol Yılmaz requested the further examination of Taner Aydın, Mustafa Edip Çakmak, Talha Ülkümen, Burak Cem Yılmaz and Hamza Doğan to clarify the division of responsibilities within R Bureau. Interlocutory decision 131 at the 22nd hearing refused the request because those persons were defendants in the case. Rather than assessing opportunities for explanation and questioning while respecting their right to remain silent, the decision gave priority to their procedural status over the substance of the request. [28]

These decisions concern different issues, but share the effect of restricting the defence's ability to substantiate an alternative account of events. A request is not unnecessary merely because it extends the proceedings. Repeated use of the same refusal formula, without assessing the material fact that the evidence would clarify, prioritised expedition over an effective defence.

The three-stage examination in *Murtazaliyeva v. Russia* considers whether the request was sufficiently reasoned and relevant, whether the court adequately considered it, and the effect of refusal on the overall fairness of the proceedings. Requests to hear defence witnesses or experts are examined within that framework; requests for documents and HTS records are assessed under Article 6 § 1 and Article 6 § 3 (b) ECHR, guided by the same questions. A request for documents is not equated with the right to call witnesses. [30]

Gülek — sale agreement. (1) The request was directed to a specified institution to establish the source of a bank deposit through a licensed-sale document; it was relevant to the financial inference underlying the membership charge. (2) Interlocutory decision 4 at the 22nd hearing cited lack of effect on the decision and delay, without explaining why the alternative source was immaterial. (3) Refusal restricted objective documentary testing of the source of funds. The membership conviction makes this connection significant; it is not additionally assumed that the bank evidence was decisive. [4, 28; Appendix D/2]

Mesut Kesen — report authors. (1) Examination of five report authors was sought to put objections concerning technical methodology and seized materials directly to them. (2) Interlocutory decision 6 considered the request immaterial at that stage and dilatory; decision 5 deferred the technical objection to the merits. (3) Inability to put questions at the hearing limits adversarial examination. The existence of written objections and the decision to assess them with the merits are countervailing records; whether they met the same need for questioning is decisive. [19, 28; Appendix D/3]

Özoğlu — postal personnel. (1) The request sought to identify those who had intervened in relation to a particular consignment and to test the defendant's connection with the act through witness questions, identification and confrontation. (2) The refusal during the 24th hearing and its continuation sessions relied on the formula of lack of effect on the decision and delay. (3) Because the request tested identity and involvement, failure to explain that connection in the reasons raises a prima facie defence-rights concern; the effect of refusal cannot be generalised to all convictions. [Appendix A, 17; Appendix D/6]

Güreycan — HTS records for specified days. (1) The request sought to investigate the defence that the date had been entered inadvertently and whether he had been at the location. (2) The refusal cited lack of effect on the merits and delay; no specific answer was identified to the connection between the data and the date discrepancy. (3) HTS is not conclusive proof of location, but remains a testable evidential avenue. However, acquittal of the offences concerning investigative acts under operative paragraph 67-A precludes an assertion that this refusal resulted in conviction for those offences. As its effect on the membership conviction has not been separately demonstrated, no definitive finding of a violation is made. [4, 29]

Not every defence request was refused. For example, the court ordered production of the documents requested by Suat Güreycan and Taner Aydın to explain hotel records by reference to official assignments. Those decisions show that other professional and financial explanations could likewise have been tested. Granting some requests does not remedy the impairment of the defence caused by the refusals discussed above. [31]

The outcome must also be considered when assessing Güreycan's HTS request: operative paragraph 67-A of the first-instance judgment acquitted him of the listed offences concerning investigative acts; paragraph 67-B sentenced him to eleven years' imprisonment for membership of an organisation. Refusal of the HTS request therefore does not support the conclusion that he was convicted for an act of which he was

acquitted. Examination of the operative part documents the refusal without independently establishing causation between that refusal and the membership conviction. [4]

Investigating access to intercepted records and staff assignments: Mustafa Edip Çakmak maintained that the lines covered by the same order were assigned to different staff, and that each staff member lacked authority to access interception records for every line. Requests to hear information-technology staff and examine the assignment letters of colleagues were refused. This concerns the opportunity to investigate the distinction between initialling documents, accessing conversation content and directing an operation. Read together with Kürşat Şenol Yılmaz's request to clarify R Bureau's operation, it shows that the defence proposed a concrete investigative method, rather than merely objecting to responsibility in the abstract. [Appendix A, 1–2]

Witness examination and site inspection: Yaser Özoğlu's request for identification and confrontation involving a postal employee and Yusuf Usşen's request for a site inspection at Çınarlı sought to test alternative accounts of events. Regarding Fahrettin Karaağaç's request to question persons with whom he allegedly communicated through ByLock, earlier statements existed: İbrahim Ürün denied using ByLock, and Yasin Topal stated that he had no knowledge of Karaağaç's organisational links. The issue is therefore not a complete failure to hear the witnesses, but whether their earlier examination answered the specific questions requested. [Appendix A, 17, 20–21]

7. PURPOSE OF BANKING TRANSACTIONS AND ALTERNATIVE FINANCIAL EXPLANATIONS

The allegation proceeds on the basis that the account increase after December 2013 demonstrates compliance with a call for organisational support. The defence responds by reference to earlier account use, regular educational payments and subsequent reductions in the balance. The examination focuses on whether ordinary financial needs or organisational instructions explain the transaction, and the evidence supporting that distinction. [32]

Mesut Kesen challenged the expert report of 1 November 2018 insofar as it interpreted the increase in his January 2014 account balance as indicating financial support to the bank for organisational purposes. In his petition of 5 November 2018, he maintained that regular educational instalments of USD 1,000 had been paid since August 2013 and that money deposited in the account was used for those payments. The dispute concerns the purpose of the deposits, not the existence of a balance increase. [32]

The defence also states that the balance fell in subsequent periods and that the account was closed on 22 March 2016. The objection therefore concerns the purpose of the transactions and assessment of the account's complete history, rather than denial of deposits. The following comparison explains the legal issue without unnecessary details of balances.

Exchange-rate check: the difference between total January credits and the net increase in month-end balances is approximately TRY 2,241. The Central Bank of the Republic of Türkiye's indicative US-dollar selling rate on 15 January 2014 was TRY 2.1951; USD 1,000 therefore amounted to approximately TRY 2,195. The approximately TRY 46 difference supports the plausibility, in terms of magnitude, of the monthly-installment explanation. This is a consistency check using a mid-month rate; it does not replace verification of the actual payment date, the bank's transaction rate and matching receipts. It does not establish that payment occurred, but shows that the defence account can be tested technically. [32, 33]

The court refused a further expert report and stated that it would assess the objections with the judgment on the merits. This closed off the opportunity to test, through a fresh expert assessment, a technical opinion inferring motive from financial transactions. A credit to an account is an objective fact; the conclusion that it followed organisational instructions is an interpretation requiring separate proof. Excluding outflows, continuing educational payments and prior account use affects the reliability of that interpretation. [32]

Gökay Ersel Gülek's request for his licensed-firearm sale agreement illustrates another aspect of the same issue. One defence sought to explain the use of funds, the other their source. In both instances, the request sought to test the presumed connection between a financial transaction and an organisational purpose. [28]

Operative paragraph 40-B sentenced Mesut Kesen to seven years and six months' imprisonment for membership of an organisation. The procedural finding assessed alongside that outcome is the refusal of a fresh expert examination intended to test an alternative financial explanation. The decision to assess objections with the merits is retained as a countervailing record. No conclusion is drawn that banking transactions were the sole or decisive basis of conviction. [4, 32]

In Raziye Akçay, the Constitutional Court required reasons explaining whether Bank Asya transactions constituted ordinary banking activity or transactions performed pursuant to organisational instructions. The Court of Cassation approach reproduced in that decision likewise distinguishes routine account movements from organisational activity. Mesut Kesen's defence concerning regular school payments and prior account use is relevant to this distinction. The specific procedural finding compared with the operative part is the refusal of the further expert examination requested to test that alternative financial explanation. [34]

8. DUTIES, ACTS AND INDIVIDUAL CRIMINAL RESPONSIBILITY

The other defendants' submissions demonstrate that duties and responsibilities in the military espionage investigation were not uniform. Planning the case, conducting surveillance, carrying out searches, making digital copies after searches, drafting particular sections of technical reports and forwarding documents to superior authorities are distinct tasks. A person's involvement at one point in that chain does not automatically establish knowledge or direction of other stages.

In his final defence, Ziyattin Kurt stated that he had not participated in the search of the home of a person tried in the military espionage proceedings, but had been assigned to make digital copies after the search. He maintained that the video-analysis record of 2 May 2016 confirmed this distinction. He also challenged the interpretation of the address where material was found and the name in the search order, as entered in examination reports, as an intentional determination of device ownership. His account specifically puts in issue both the timing of his presence and the naming practice used in reports. [35]

Kurt also explained the division of work between six experts: some made digital copies, others conducted examinations, and telephones and other devices were examined by different persons according to expertise. Multiple signatures on a report differ from each signatory personally performing every technical operation. For criminal responsibility, this defence requires identification of the particular acts and knowledge attributable to each person, rather than automatically treating every signature as proof of criminal intent concerning the entire contents.

The judicial outcome of this defence also matters: operative paragraph 75-A acquitted Ziyattin Kurt both of membership of an organisation and of destroying, concealing or altering evidence. His example illustrates the importance of distinguishing duties, while also showing that the proceedings differentiated some individuals' responsibility. His defence cannot be presented as an instance of an unanswered objection resulting in conviction. [4]

In his final defence, Yaser Özoğlu explained that the request for a search at the start of the operation and the letter he allegedly signed on another person's behalf were not the same document. Using correspondence dates and reference numbers, he disputed which document supported the charge. When the presiding judge asked whether the signature was his, Özoğlu reiterated that the issue was not authorship of the signature but whether that letter was the document used for the operation. This defence distinguishes signing a document from preparing the document that produced the judicial consequence alleged. [36]

Gökay Ersel Gülek and his counsel explained that he had acted as a recording clerk in certain operations, had neither conducted the search nor found the material, and had served in the unit for a limited period. Abdullah Akyürek and Süleyman Çelik, defendants in the joined case, likewise centred their defences on technical correspondence and

distinctions between hierarchical responsibilities. Their common contention is that “having served in the unit” must be distinguished from “knowing participation in an offence”. [17, 37]

The human-rights issue raised by these objections is individualisation of responsibility. Different sentences for different individuals are not sufficient in themselves. The act performed, and the knowledge and intention accompanying it, must be established through answers to the distinctions of duty and timing raised by the defence. Otherwise, participation in institutional operations may substitute for proof of an organisation-related offence, creating a risk of responsibility for acts a person neither performed nor knew about.

Different duties identified in the defences: Mevlüt Çakar distinguished preparing information notes from accessing intercepted content; İbrahim Gönülal and Serkan Çiftçi distinguished initialling and formal checks from creating content; Memduh Tosun and Mesut Akkaya distinguished covering letters and transmission from operational decisions. Cemil Yörük addressed transcription and responsibility for destruction. Erkan Değer compared his postings and dates with the documents alleged against him, while Abdi Dural challenged the start date and unit information in the classification list. All these defences seek responsibility founded on specific acts, knowledge and authority, rather than job title. Each is individually sourced in Appendix B.

Defences concerning document contents: Çakmak explained that “worker” had been entered because a private security employee appeared as a worker in social-security records. This directly answers the allegation of inaccurate information and the intention knowingly to forge a document. Taner Aydın stated that certain addresses were recorded not as residences, but as places where the activities under investigation took place. Both defences concern what a document field represented and the source relied on when entering information. Yaser Özoğlu’s explanations of preparation and instruction times, and Ali Bilkay’s account of when he learned of the investigation, likewise concern knowledge and timing of participation. Examination of these substantial objections is required by the right effectively to answer charges and the principle of individual responsibility. [Appendix A, 3–6]

9. HEARING THE DEFENCE AND EFFECTIVE EXAMINATION OF IMPARTIALITY OBJECTIONS

Mesut Kesen sought recusal during the August 2016 hearings because of the approach to defence speaking time and the court’s conduct. His counsel, Mustafa Uncu, requested that transcripts of the hearing’s Audio and Video Information System (SEGBİS) recordings be sent to the reviewing authority. The court refused, stating that the recordings consisted of defence submissions, that transcription could take weeks and would cause delay. The İzmir 3rd Assize Court refused the recusal application on 25 August 2016. [38]

After notification of the refusal, Mesut Kesen expressly stated that he would not object and had not exercised his right of challenge; counsel made the same statement. This

choice cannot be disregarded when asserting exhaustion or ineffectiveness of domestic remedies. The criticism here concerns the refusal to submit the recordings for the initial examination. [38]

Accounts of defence speaking time differ. Mesut Kesen complained that his defence had been limited to one hour. The prosecutor stated that, although a comment about time had been made, submissions had not been interrupted the previous day and two defendants had presented their defences throughout the day. The relevant hearing recordings are important for objective examination of that disagreement. Refusing to send transcripts to the reviewing authority because transcription would take time restricted examination of the basis of the impartiality complaint. [38]

In an application under Articles 24–28 CMK, the issue is the effect of the alleged conduct on the appearance of impartiality. The court’s statements that the application was clear and transcription unnecessary constitute its own reasons; the defence sought verification against the recording. Failure to examine that primary record matters for effective review. A harsh or careless remark during a hearing is not, by itself, treated as proof of a violation of impartiality. [38, 8]

İlhan Uran’s report of sound problems through SEGBİS is relevant to his ability to hear and respond. Its effect must be assessed by reference to the session concerned and any repetition or remedial action. Refusal of transcripts in the recusal review, prosecutorial language characterising defence activity and changes to the judicial panel are treated separately below. [16, 38; Appendix A, 23–28]

Characterisation of defence activity. In the prosecutorial opinion of 27 February 2017, lawyers’ applications were associated with organisational purposes. This language is a specific subject for examination regarding free exercise of defence rights and the prosecution’s approach to applications. The statement was the prosecutor’s; the court’s decision to sever proceedings does not mean that it endorsed every characterisation in the opinion. Yaser Özoğlu’s objections to calling the case a “conspiracy” and to the inspectors’ impartiality were also recorded. These issues concern the conduct of different actors. [Appendix A, 23–24, 27]

Changes to the judicial panel and defence speaking time: the records identify Oktay Tabur, Halil İbrahim Kibar, Fuat Şenoğlu, Mehmet Erol and Bilal İnanç as presiding judges at different dates. These changes raise the question how the panel delivering judgment familiarised itself with earlier defences and evidential arguments. Karabal’s reference to 36 personnel does not mean 36 judges or 36 separate panels. The records show changes of panel, not that changes resulted from external interference. At the session where Özoğlu was asked to conclude within five minutes, the technical defence continued. This cannot be reported as meaning that his entire defence lasted five minutes. The rights issue is whether the management of the hearing afforded sufficient opportunity to explain substantial defence points. [Appendix A, 26, 28]

10. REASONS FOR DETENTION AND RECORDS OF DEPRIVATION OF LIBERTY

Detention is examined against two separate thresholds. Under Article 5 § 1 (c) ECHR, reasonable suspicion must rest on objective facts; under Article 5 § 3, the necessity of detention must be explained by relevant and sufficient reasons. Article 100 § 3 CMK permits a presumption of grounds for detention for listed offences; this neither automatically establishes suspicion nor removes individual scrutiny of necessity. The criticism concerns not the word “presumption”, but application of a statutory possibility as a conclusive result in place of a concrete assessment. [39, 40, 8, 41]

The detention order concerning Abdullah Akyürek of 19 September 2016 used the expression “presuming the existence of grounds for detention and a risk of absconding” because membership of an organisation was a listed offence. Although it also referred to the existing evidence and maximum sentence, the reasons did not explain what personal conduct indicated a risk of absconding. The category of offence was placed at the centre of the decision restricting liberty. [39]

The decision concerning Müjdat Karagöz of 25 May 2017 went further: referring to listed offences, it relied on “the statutory presumption of suspicion of an offence”. The existence of suspicion and the existence of grounds for detention are different matters. The name or seriousness of an offence cannot substitute for facts indicating that the person committed it. This wording converts the requirement to establish suspicion through concrete evidence into a statutory presumption. [39]

Preference for detention over judicial supervision also requires individual reasons. A conclusion that “judicial supervision would be insufficient” cannot be scrutinised unless explained by reference to compliance with obligations, a fixed address, attendance at hearings, access to evidence and concrete conduct indicating flight. The severity of the potential sentence may be considered, but cannot replace personal circumstances.

The file also contains a decision demonstrating an alternative approach. In interlocutory decision 4 at the 13th hearing on 14 March 2017, the court refused a request for renewed detention after considering earlier release, compliance with judicial-supervision obligations, attendance at hearings and collection of evidence. The fact that personal circumstances could be assessed in the same case shows that reliance on a listed-offence formula was not an inevitable method of reasoning. [42]

Mehmet Hasan Altan v. Turkey reiterates that suspicion must rest on objective facts capable of justifying deprivation of liberty. This report likewise criticises reasons based on the offence’s name and a general prospect of punishment. Detention before a first-instance conviction and deprivation of liberty after conviction have different legal bases; the above assessment concerns pre-conviction decisions. [40]

The table below compares verified detention orders concerning the named individuals with liberty-related orders in the judgment of 29 May 2019. The second column gives the verified detention date; the third records release, continued detention or arrest-warrant

measures at judgment. “Not verified” does not mean that no detention occurred. Without establishing intervening releases and renewed detention, the calendar interval between two dates cannot be treated as a period of detention. The table does not establish current sentence-enforcement status or a completed calculation of detention duration. [4, 39, 40, 41, 42]

Alparslan Altan v. Turkey (16 April 2019, no. 12778/17) examines reasonable suspicion at the initial deprivation of liberty and its foreseeable legal basis. Its findings on judicial safeguards are not directly transposed to the police defendants here. Akgün v. Turkey (20 July 2021, no. 19699/18) addresses treating information about ByLock use as reasonable suspicion without explaining its substance and individual connection, and access to evidence in detention review. Both judgments support the importance of concrete facts at the time of detention; a later conviction cannot retrospectively supply the initial reasons. [43, 44]

Individual comparison of detention, release and arrest-warrant decisions

Defendant at the relevant time	Verified detention date	Order in the judgment of 29 May 2019 and scope of the record	Basis
Abdullah Akyürek	19 September 2016: detention	29 May 2019: existing arrest warrant revoked; no renewed detention. No continuous period can be inferred.	D31, interlocutory decision 1; D43, common provision 3
Müjdat Karagöz	25 May 2017: detention	Continuous detention until judgment is not assumed. No intervening release date has been verified for this table.	D13, interlocutory decision 1
Mustafa Edip Çakmak	Detention date not verified.	29 May 2019: released under judicial supervision; the court recorded “nearly four years”.	D43, common provision 2
Ramazan Özdemir	Detention date not verified.	29 May 2019: released under judicial supervision; the court recorded “nearly four years”.	D43, common provision 2
Mehmet Emin Çakıcı	Detention date not verified.	29 May 2019: released under judicial supervision; the court recorded “nearly four years”.	D43, common provision 2
Suat Güreycan	Detention date not verified.	29 May 2019: released under judicial supervision; the court recorded “nearly four years”.	D43, common provision 2
Fahrettin Karaağaç	Detention date not verified.	29 May 2019: released under judicial supervision; the court recorded “nearly four years”.	D43, common provision 2
Cem Kendigelen	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4
Erkan Değer	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4
Gökay Ersel Gülek	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4

Defendant at the relevant time	Verified detention date	Order in the judgment of 29 May 2019 and scope of the record	Basis
Mehmet Ali Şevik	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4
Memduh Tosun	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4
Özcan Karanfil	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4
Taner Aydın	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4
Yaser Özoğlu	Detention date not verified.	29 May 2019: continued detention following conviction. This does not establish current enforcement status.	D43, common provision 4

The judgment also records revocation of arrest warrants and no order for renewed detention for Mesut Kesen and Seyfullah Özdemir (D43, common provision 3). Arrest warrants issued for the purpose of detention against Yusuf Uşşen and Engin Öztürk do not establish that they were actually apprehended (D43, common provision 1). The judgment of 7 February 2023 records continued detention for Mevlüt Çakar; his position in 2026 cannot be inferred from that entry. [4, 6]

11. APPELLATE REVIEW AND THE RIGHT TO A REASONED JUDGMENT

In its decision of 1 March 2021, the 2nd Criminal Chamber of the İzmir Regional Court of Appeal dismissed numerous defendants' appeals on the merits, stating that there were no deficiencies in the evidence or proceedings, that the assessment was appropriate and that the grounds advanced were not accepted. The provisions concerning Mesut Kesen's and Suat Güreycan's membership convictions use the same general language. [5]

Such a formula does not independently answer the specific objections identified in this report. It requires concrete explanation why raw data was unnecessary, why report authors were not heard, how an alternative payment explanation was assessed, or why defence preparation facilities were sufficient. An unmet defence need at first instance cannot be considered remedied on appeal by general statements of correctness.

The Court of Cassation's 3rd Criminal Chamber judgment of 7 February 2023 upheld numerous rulings and required further investigation for Mehmet Eruzun and Mevlüt Çakar. For Seydi Ali Duru, it quashed the regional appellate court's acquittal because it had been delivered without a hearing. That quashing concerns the procedure used to acquit him; it cannot be presented as a finding of a rights violation in favour of all defendants. [6]

The quashing orders requiring further investigation for Mehmet Eruzun and Mevlüt Çakar show that appellate review identified some deficiencies. This is inconsistent with a claim that domestic remedies were wholly ineffective. Different outcomes for other defendants do not, by themselves, prove inequality; they must be compared with each person's evidence and objections. [6]

Distinguishing cassation outcomes: Part I dismisses certain appeals because of statutory limits on cassation; it does not uphold the rulings on their merits. Part II upholds the rejection of Akyürek's out-of-time appeal. Part IV upholds convictions concerning 32 individuals and also Çakar's forgery convictions; Part V quashes Çakar's and Eruzun's membership convictions and Duru's appellate acquittal. Accordingly, "32 upheld, three quashed" cannot be used as mutually exclusive categories accounting for the 75 individuals. [6]

The general dismissal language in the regional appellate decision does not itself provide detailed answers to specific objections such as a financial explanation or request for raw data. Our examination of the operative part and appellate decisions identifies the relationship between an interlocutory decision and the individual outcome. Recognising that an appellate court may adopt first-instance reasoning, a general dismissal formula has not alone been treated as establishing a violation of the right to a reasoned judgment throughout the proceedings.

Mustafa Karabal's acquittals of organisation-related charges, offences against the unity of the State and disclosure of prohibited information were upheld. Part IV records dismissal of proceedings for Selçuk Küçükbaşlan and Seyfullah Özdemir, and a decision not to impose a penalty for Halim Yilmazer. Ramazan Özdemir must be distinguished: he is among those whose convictions were upheld. Karabal's requests are examined as procedural records; no continuing harm arising from conviction is alleged in respect of charges ending in acquittal. Victim status under Article 6 ECHR requires separate assessment of the type of complaint and any redress. [6]

The following comparison places the defence request, the court's response and the relevant outcome in the same row. Article numbers in the final column refer to the ECHR. Identifying a right in the table does not mean that a violation has been conclusively established for that person.

Connection between the request, decision and outcome

Individual	Request / response	Outcome and assessment limits	Right
Gülek	One hour of computer access per week; counsel appointed 2 May 2019. Statements of defendant and counsel. [17]	Membership and other convictions. Individual impact assessed against access and preparation needs. [4]	Art. 6 § 3 (b), (c)

Individual	Request / response	Outcome and assessment limits	Right
Mesut Kesen	Requests to hear report authors and obtain a new banking expert report refused; objections reserved for the merits. [19, 32]	Membership conviction. No conclusion from the operative part that these items were decisive. [4]	Art. 6 § 1, § 3 (d)
Güreycan	SD-card raw data and HTS requests for specified days refused. [24, 29]	Acquitted of offences concerning investigative acts; convicted of membership. Effect of HTS refusal on membership conviction cannot be established. [4]	Art. 6 § 1, § 3 (b)
Çakıcı / Karabal	Refusals concerning date discrepancy and raw-data/telephone-analysis requests. [25, 26]	Interlocutory decisions verified. Outcome does not establish that objections were never considered.	Art. 6 § 1
Kurt	Defence distinguishing participation in a search from subsequent digital copying. [35]	Acquitted of membership and the evidence-related offence. Not an example of conviction despite an unanswered defence. [4]	Individual assessment
Akyürek / Karagöz	Detention orders presuming flight risk or suspicion from the listed offence. [39]	Decision texts available. Verified liberty-related acts appear in the §10 table.	Art. 5 § 1 (c); § 3

12. COMPARISON WITH INTERNATIONAL MONITORING FINDINGS

International organisations' assessments of Türkiye are not findings of violations in this case. They nevertheless explain conditions affecting defence rights and independent judicial review during the proceedings. The comparison below identifies points of overlap between country-level findings and documented procedural acts in the case.

12.1 Office of the UN High Commissioner for Human Rights

OHCHR's March 2018 report covering January–December 2017 examines the impact of emergency measures on judicial independence and access to justice. It describes lawyers being identified with their clients and facing the same or related charges, difficulties obtaining legal assistance and risks of control over judicial institutions. These assessments appear particularly in paragraphs 55–57. [45]

The prosecutorial opinion of 27 February 2017 associating lawyers' procedural requests with organisational purposes provides a concrete example of the danger of identifying the defence with the charges against its clients. As the words were the prosecutor's, responsibility must be attributed to the correct actor. The court's severance order does not imply endorsement of all those words. Nevertheless, prioritising an attribution of organisational intent over the substance of a defence request raises serious concerns about lawyers' freedom to perform their duties. [Appendix A, 23]

OHCHR also addresses problems of access to evidence and the opportunity to contest allegations in the context of administrative dismissals (§65). That finding does not directly

concern criminal convictions. Its counterpart here is the same procedural need arising in a different legal context: an individual must be able to know the evidence against them and answer it effectively. The interlocutory decisions concerning encrypted reports and raw-data requests show that this need is concrete. [45; Appendix A, 7, 12–15]

12.2 International Commission of Jurists

The International Commission of Jurists' (ICJ) 2018 report *Justice Suspended* examines access to justice during the state of emergency. Its principal themes include pressure on independence from large-scale measures against members of the judiciary and problems of effective judicial remedies. Restrictions on the confidentiality, frequency and duration of lawyer–client meetings, and difficulties accessing case files, are also considered in relation to effective legal assistance. [46]

Akyürek's application concerning meetings with counsel, Mesut Kesen's request to inspect the file and changes of counsel at the final-defence stage acquire significance when considered together in this framework. A lawyer's formal participation does not mean that they can defend the case with knowledge of the evidence and adequate consultation with the defendant. Rehearing some defences with new counsel was a positive step. Nevertheless, changes close to judgment require preparation time to be made a substantive part of the proceedings. [Appendix A, 9–11]

The ICJ's assessment of structural independence does not prove that any judge in this case received external instructions. The case-specific examination of independence and impartiality concerns use of recordings in the recusal process, management of hearings and the changing panel's familiarity with the defence. The country report explains the context; conclusions about this case rest on the specific records. [Appendix A, 25–28]

12.3 Parliamentary Assembly of the Council of Europe

Resolution 2459 (2022) of the Parliamentary Assembly of the Council of Europe records concerns about judicial independence, separation of powers and broad counter-terrorism practices in monitoring Türkiye's obligations. It also addresses the composition of the Council of Judges and Prosecutors, safeguards of independence and weakened checks and balances (§§4, 9.1, 10.6 and 11). [47]

This framework increases the importance of explaining how a job title, banking transaction or communications record supports a conclusion of individual guilt. Defences based on division of duties and ordinary transactions are not peripheral to the organisation-related charge: they address the link between the individual's conduct and the elements of the offence. Gülek's explanation of the source of funds, Çakmak's access-authority objection and Taner Aydın's attribution objection therefore require concrete scrutiny of the evidence. [Appendix A, 1, 16, 18]

Read together, the three organisations' assessments share a focus on freedom to conduct the defence, effective access to evidence and independent judicial review. The refusals and access obstacles in this case correspond to those concerns. This

correspondence does not automatically establish a violation for every defendant; it supports assessing documented restrictions through their combined impact on the capacity to defend the proceedings, rather than as isolated events.

13. CONCLUSIONS AND REQUESTS FOR INTERNATIONAL MONITORING

Conclusion: the hearing records examined document specific refusals of defence requests for access to raw data, examination of report authors and collection of exculpatory evidence. Some requests sought to test individual attribution of data, the purpose of an act and the defendant's participation. Failure adequately to explain those connections in the refusal reasons presents a serious concern for adversarial proceedings and equality of arms. The effect on the outcome must be assessed for each defendant and offence alongside acquittals, convictions, quashing orders and remedial measures.

Requests to UN Special Procedures: the Special Rapporteurs on the independence of judges and lawyers and on human rights while countering terrorism are requested to examine the documented acts within their mandates and seek a reasoned response from the Turkish authorities. The response should address, for each individual and act: what raw data was made accessible to the defence, on what date and with what examination tools? By what procedure were the questions intended for report authors answered? How was the absence of any effect of exculpatory evidence on the outcome established? On what grounds were those acts reviewed on appeal? An urgent appeal should be considered separately if a concrete, current and continuing danger is verified. [48]

Requests to the Council of Europe: a submission under Rule 9.2 in the execution of Yalçinkaya should include concrete examples of practice concerning effective challenges to technical evidence and individualisation of criminal responsibility. The Committee of Ministers is requested to seek explanations, including sample decisions and outcomes, showing how the measures reported by Türkiye are applied by courts. It is not alleged that every judgment in this case involves the same violation; execution supervision is not a separate appeal against domestic convictions. [13, 14, 49]

Requests to OSCE/ODIHR: if continuing hearings following remittal are verified, trial observation is requested concerning defence preparation time, access to technical evidence, opportunities to question witnesses and experts, and reasons for interlocutory decisions. Monitoring findings should also report any remedial measures taken by the court. [11]

Judicial redress and monitoring: the competent judicial authorities should address the specific defence objections identified in this report for each individual and offence, explaining the connection between refused requests and the facts to be proved, and their effect on the outcome. Where a violation is established, appropriate redress should include effective access to technical data, necessary expert or witness examination and sufficient preparation time. A retrial should be considered where the applicable conditions are met. Monitoring should seek clarification of the dates and outcomes of

post-remittal decisions concerning the three individuals, the stages of individual applications and the current legal basis of any deprivation of liberty. This section sets out proposed submissions and requests; it does not state that submissions have already been made.

SCOPE AND SOURCES

The examination considers indictments, submissions by defendants and counsel, hearing records, interlocutory decisions, the relevant portions of the reasoned judgment and its operative outcomes, and regional appellate and cassation decisions together.

Appendices A–D are presented in the separate Appendices volume accompanying this main report. Appendix A addresses defence requests and judicial acts under 36 headings with legal assessments. Appendix B contains sourced defence notes for the 75 individuals listed in the judgment; Appendix C inventories the 44 documents examined; Appendix D contains translated extracts from critical interlocutory decisions.

Abbreviations: KOM is the Anti-Smuggling and Organised Crime unit. HTS means call/connection traffic records, distinct from communications content. SEGBIS is the Audio and Video Information System. An SD card is a portable digital storage medium. A profiling/classification entry means a classification entered in lists concerning individuals; its accuracy is separately disputed. R Bureau is the bureau whose division of duties is discussed in the defences. T-Type denotes a category of prison. ByLock is a messaging application whose use and attribution records are relied on in organisation-related charges.

Personal-data note: names, defence submissions and judicial outcomes are included to permit scrutiny of the relevant procedural acts. Identity numbers, personal addresses, telephone numbers and account numbers are not published. Medical diagnoses and unnecessary family details have been removed; financial information is limited to what explains the legal assessment. This presentation does not claim anonymisation or consent from every person concerned.

SOURCE NOTES

Sources are numbered in order of first citation. Hearing records are identified by court, case number, hearing and relevant individual/interlocutory decision. The opening date of a hearing is not the date of every act at its continuation sessions.

[1] Court of Cassation, 3rd Criminal Chamber, 7 February 2023, case no. 2021/20628, decision no. 2023/471; account of the origins of the events and the İzmir 12th Assize Court's acquittal judgment of 26 February 2016.

[2] İzmir Chief Public Prosecutor's Office, investigation no. 2014/93685, indictment no. 2016/864; also investigation no. 2014/82482, indictment no. 2016/1103. Framework of the charges and scope of the different investigations.

[3] İzmir 2nd Assize Court, case no. 2016/106, decision no. 2017/191; order joining the case to no. 2016/97.

[4] İzmir 2nd Assize Court, 29 May 2019, case no. 2016/97, decision no. 2019/335; operative part. The date and particulars are also confirmed on the first page of the regional appellate decision.

[5] İzmir Regional Court of Appeal, 2nd Criminal Chamber, 1 March 2021, case no. 2020/1447, decision no. 2021/249; particularly the provisions dismissing the appeals against the membership convictions of Mesut Kesen and Suat Güreycan.

[6] Court of Cassation, 3rd Criminal Chamber, 7 February 2023, case no. 2021/20628, decision no. 2023/471; provisions upholding and quashing rulings, and assessments concerning Mehmet Eruzun, Mevlüt Çakar and Seydi Ali Duru.

[7] Türkiye's state-of-emergency and derogation notifications: Council of Europe Treaty Office, notification of 21 July 2016 under Article 15 ECHR and withdrawal of 8 August 2018; UN Treaty Collection, notification under Article 4 ICCPR. The state of emergency ended on 19 July 2018. <https://www.coe.int/en/web/conventions/full-list?codeNature=0&module=declarations-by-treaty&numSte=005> https://treaties.un.org/pages/Declarations.aspx?chapter=4&index=T%C3%BCrkiye&lang=_en&treaty=335

[8] Code of Criminal Procedure, Law no. 5271; relevant Articles 24–28, 100–101, 134, 177–178, 201, 206–207, 217 and 230. The parliamentary link contains the text adopted on 4 December 2004 and is not used as a substitute for the current consolidated text. The report assesses provisions applied at the relevant procedural dates and the grounds of refusal stated in the decisions. <https://cdn.tbmm.gov.tr/KKBSPublicFile/D22/Y1/T1/KanunMetni/342d2db4-54b8-4a1e-a94b-213571f2448c.html> <https://mevzuat.adalet.gov.tr/mevzuat/102946?query=Madde+1>

[9] European Convention on Human Rights, particularly Articles 5, 6 and 7: the normative basis of the report's rights analysis. Provisions examined: Articles 5, 6, 7, 15, 34 and 46, identified in the relevant sections. https://www.echr.coe.int/documents/d/echr/convention_ENG

[10] UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007, §§32–34 and 39; General Comment No. 35, CCPR/C/GC/35, 16 December 2014, §38. Interpretation of Articles 9 and 14 ICCPR. <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=641Wz0rRY0acjvKnVv9RG6v6rQzzwVQsrH3ggZCLBtB0sCi3xfCIzPwcfRXUCZBYh9NwFwzoxpgEXu8oTtmIw%3D%3D> <https://www.ohchr.org/en/calls-for-input/general-comment-no-35-article-9-liberty-and-security-person>

[11] OSCE: Vienna 1989, §13.9; Copenhagen 1990, §§5.15–5.19 and 12; Moscow 1991, §§19–20. ODIHR, Legal Digest of International Fair Trial Rights, 2012, particularly §§6.3.4–6.3.5 and 6.7.2. <https://cdn.osce.org/sites/default/files/f/documents/9/8/24344.pdf> <https://www.osce.org/files/f/documents/1/f/94214.pdf>

[12] ECtHR Grand Chamber, Yüksel Yalçinkaya v. Türkiye, 26 September 2023, application no. 15669/20. Effective challenge to electronic evidence, individual responsibility and the principle of legality in criminal law. <https://hudoc.echr.coe.int/eng?i=001-227636>

[13] Council of Europe Committee of Ministers, 12 June 2025, CM/Del/Dec(2025)1531/H46-41, Yüksel Yalçinkaya, decision §§2–6 (first link). Secretariat's notes on the retrial process (second link). <https://rm.coe.int/0900001680b64877> <https://rm.coe.int/tur-1531-h46-41-yuksel-yalcinkaya-notes-unofficial-translation/4880296ad4>

[14] Türkiye, updated action plan, 12 October 2026, DH-DD(2026)1298, particularly §94. Government submission. <https://hudoc.exec.coe.int/eng?i=DH-DD%282026%291298E>

[15] İzmir 2nd Assize Court, case no. 2016/97, record of the third hearing, 19 December 2016, interlocutory decision 45: volume of digital case materials and computer access in prison.

[16] Case no. 2016/97, record of the 24th hearing, 19 February 2018, and continuation sessions: İlhan Uran's petition of 19 March 2018; İzmir No. 1 T-Type Prison's letter of 9 January 2018 and decisions on computer-based examination.

[17] Case no. 2016/97, record of the 31st hearing, 24 April 2019, and continuation sessions: final submissions of Gökay Ersel Gülek and his counsel Firuze Korkmaz. Also the 28th hearing, 15 October 2018: Yasin Çakmak's defence concerning data format and expert assistance.

[18] ECtHR, Rook v. Germany, 25 July 2019, no. 1586/15; Sigurður Einarsson and Others v. Iceland, 4 June 2019, no. 39757/15. No violation concerning data access was found in either case. Einarsson also found a violation concerning impartiality. Official judgments and press summaries were compared. <https://hudoc.echr.coe.int/eng?i=001-194614> <https://hudoc.echr.coe.int/eng-press?i=003-6468308-8521606> <https://hudoc.echr.coe.int/eng?i=001-193494>

[19] Case no. 2016/97, record of the 22nd hearing, 13 November 2017, and continuation sessions, interlocutory decisions 5–6: Mesut Kesen's objection to the report and request to hear its authors.

- [20] Same 22nd-hearing record, interlocutory decision 27: requests for ByLock raw data, forensic images, hash values and expert examination; refusal based on the Court of Cassation's 16th Criminal Chamber decision of 24 April 2017, case no. 2015/3, decision no. 2017/3.
- [21] Case no. 2016/97, record of the 30th hearing, 4 February 2019: requests for expert examination of ByLock data and refusal by reference to general Court of Cassation decisions.
- [22] İzmir 2nd Assize Court, case no. 2016/97, SEGBİS transcript of the 31st hearing: final submissions of Mesut Kesen's counsel Mustafa Uncu concerning the search of 23 July 2016; statements by Ramazan Özdemir, Muhammet Ali Özmen and Yusuf Usşen on imaging and evidence security. Appendix C, D26.
- [23] Case no. 2016/97, record of the 26th hearing, 1 June 2018, and continuation sessions: examination by SEGBİS of the anonymous witness code-named Garson.
- [24] Case no. 2016/97, record of the 29th hearing, 14 November 2018, section concerning Suat Güreycan: same-date request for raw data, metadata and procedural records, and refusal.
- [25] Case no. 2016/97, 31st-hearing record, interlocutory decision preceding Mustafa Karabal's final defence: refusal to obtain SD-card raw data and HTS records.
- [26] Same 31st-hearing record, Mehmet Emin Çakıcı's evidence requests and final defence: objections concerning SD-card dates, appointment date, ByLock examination and witness accounts; subsequent interlocutory decision.
- [27] Same 31st-hearing record, incoming-documents section: correction of Taner/Ali Aydın's name; Ankara letter of 21 February 2019 and attachments reporting no data in the lists for fourteen individuals.
- [28] Case no. 2016/97, 22nd-hearing record, interlocutory decision 4: Gökay Ersel Gülek's requests for a sale agreement and project documents. Interlocutory decision 131: request by Kürşat Şenol Yılmaz's counsel to re-examine persons who could explain the bureau's division of duties.
- [29] Case no. 2016/97, 31st-hearing record: Gökay Ersel Gülek's request concerning KOM's duties and equipment for detecting covert listening devices; Suat Güreycan's HTS request for the recorded date and preceding day; refusals.
- [30] ECtHR Grand Chamber, Murtazaliyeva v. Russia, 18 December 2018, application no. 36658/05. Three-stage test for defence-witness requests, §158. The Court found no violation on that case's facts; the judgment is used here for its assessment criteria. <https://hudoc.echr.coe.int/eng?i=001-187932>
- [31] Case no. 2016/97, 29th-hearing record, sections concerning Suat Güreycan and Taner Aydın: orders to obtain official assignment, course and meeting documents explaining hotel records.
- [32] Case no. 2016/97, 29th-hearing record, Mesut Kesen section: petition of 5 November 2018 challenging Recai Üstün's report of 1 November 2018; payment and balance table; refusal of a fresh expert examination.
- [33] Central Bank of the Republic of Türkiye, indicative exchange rates, 15 January 2014: US-dollar selling rate, TRY 2.1951. <https://www.tcmb.gov.tr/kurlar/201401/15012014.xml>
- [34] Constitutional Court, Raziye Akçay, 28 June 2022, application no. 2019/1665, particularly §§24–27 and 45–47; Official Gazette, 2 September 2022, no. 31941. Official case particulars and accessible publication of the judgment. The Court of Cassation decisions on ordinary banking activity are reproduced in this Constitutional Court judgment. <https://kararlarbilgibankasi.anayasa.gov.tr/kbb/BB/2019/1665> <https://www.zulkufarslan.av.tr/aym-raziye-akcay-karari-bank-asya/>
- [35] Case no. 2016/97, 31st-hearing record, Ziyattin Kurt's final defence and answers: distinction between searching and digital copying, naming in reports and division of work among experts.
- [36] Case no. 2016/97, 31st-hearing record, Yaser Özoğlu's final defence: search-request letters and signature dispute; interventions by the prosecutor and presiding judge.
- [37] İzmir 2nd Assize Court, case no. 2016/106, second hearing of 12 August 2016 (Süleyman Çelik) and third hearing of 19 September 2016 (Abdullah Akyürek); defences concerning duties and technical correspondence.
- [38] Case no. 2016/97, sessions of 24–25 August 2016 within the second hearing commencing 22 August 2016: Mesut Kesen's and counsel Mustafa Uncu's requests for recusal and SEGBİS transcripts; interlocutory decision 2; notification of the İzmir 3rd Assize Court's miscellaneous decision no. 2016/771 of 25 August 2016.
- [39] Case no. 2016/106, third hearing, 19 September 2016, interlocutory decision 1 (Abdullah Akyürek). Case no. 2016/97, 16th hearing, 25 May 2017, interlocutory decision 1 (Müjdat Karagöz).
- [40] ECtHR, Mehmet Hasan Altan v. Turkey, 20 March 2018, application no. 13237/17. Establishing reasonable suspicion supporting detention through concrete facts. <https://hudoc.echr.coe.int/eng?i=001-181862>

- [41] ECtHR Grand Chamber, *Buzadji v. the Republic of Moldova*, 5 July 2016, no. 23755/07; relevant and sufficient reasons for detention under Article 5 § 3 ECHR. On reasonable suspicion, see also Mehmet Hasan Altan, source note [40]. <https://hudoc.echr.coe.int/eng?i=001-164928>
- [42] Case no. 2016/97, record of the 13th hearing, 14 March 2017, interlocutory decision 4: refusal of renewed detention based on compliance with judicial supervision, attendance at hearings and collection of evidence.
- [43] ECtHR, *Alparslan Altan v. Turkey*, 16 April 2019, no. 12778/17; Article 5 § 1 ECHR, legal basis of detention and reasonable suspicion. <https://hudoc.echr.coe.int/eng?i=001-192804>
- [44] ECtHR, *Akgün v. Turkey*, 20 July 2021, no. 19699/18; Article 5 §§1, 3 and 4 ECHR. Official case-law record. <https://ks.echr.coe.int/web/echr-ks/w/akg%C3%BCn-v.-turkey-no.-19699/18-2>
- [45] OHCHR, Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, March 2018; January–December 2017, particularly §§55–57 and 65. UNHCR Refworld copy of the OHCHR report. <https://www.refworld.org/sites/default/files/legacy-pdf/en/2018-3/5ab146c14.pdf>
- [46] International Commission of Jurists, *Justice Suspended: Access to Justice and the State of Emergency in Turkey*, 2018; judicial independence, pp.17–21; access to a lawyer, pp.34–36. <https://www.icj.org/wp-content/uploads/2018/12/Turkey-Access-to-justice-Publications-Reports-2018-ENG.pdf>
- [47] Parliamentary Assembly of the Council of Europe, Resolution 2459 (2022), The honouring of obligations and commitments by Türkiye, particularly §§4, 9.1, 10.6 and 11. <https://pace.coe.int/en/files/31343/html>
- [48] OHCHR, Special Procedures submission portal and types of communication. <https://spsubmission.ohchr.org/>
- [49] Council of Europe, civil-society submissions in the execution of ECtHR judgments, Rule 9.2. <https://www.coe.int/en/web/execution/submissions>