İZMİR MILITARY ESPIONAGE PROCEEDINGS REPORT APPENDICES

APPENDICES A–D
DEFENCES, OUTCOMES AND DOCUMENTS

Appendices to the Human Rights Review Report

Security Studies and Rule of Law Association
(SRL Swiss)

Security Studies and Rule of Law Association (SRL Swiss) is a non-profit, non-political civil society organisation based in Geneva and established under Articles 60–79 of the Swiss Civil Code. The Association works to protect human rights, strengthen the rule of law and assess the compatibility of security policies with fundamental rights.

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APPENDIX A Findings on defence requests and judicial acts

This appendix assesses substantial defence objections and judicial acts under 36 headings. These include countervailing records and methodological explanations; each heading does not represent a finding of a violation.

Defence submissions and judicial acts are presented separately. Recording a statement does not independently prove the underlying facts. Refusal of a request or correspondence to secure access is, by contrast, a directly recorded procedural act. The assessment concerns its effect on the relevant defence need.

The legal framework is explained in section 2 of the main report. Here, the request, judicial response, outcome and any remedial action are considered together.

Source references: Appendix C identifies the court, case number, date and hearing corresponding to codes D01–D44. Locations are identified by the relevant person, request or interlocutory decision. Appendix D separately reproduces English translations of eight critical decision extracts.

Division of duties and individual responsibility

1 Investigation of telephone-line access and responsible personnel for Mustafa Edip Çakmak

Documented record: Çakmak explained that telephone lines in the same order were assigned to different staff, that not every staff member had access to all interception records and that he had not worked on the operation alleged. He requested examination of IT staff and verification through his colleagues' assignment letters. The court refused both requests as incapable of affecting the decision and intended to prolong proceedings.

Assessment: whether Çakmak accessed the records is directly connected with whether he knowingly performed the alleged act. Refusal to investigate staff access allocations and assignment letters restricted his ability to establish his own role by distinguishing access authority from initialling documents. The labels "immaterial to the decision" and "intended to prolong proceedings" do not explain this concrete connection. The issue under Article 6 § 1 and Article 6 § 3 (d) ECHR is effective presentation of exculpatory evidence, not proof that Çakmak accessed no records.

Source. D19; D25 — Defence submissions and interlocutory decisions concerning "Investigation of telephone-line access and responsible personnel for Mustafa Edip Çakmak". Hearing particulars appear in Appendix C.

2 Hearing persons able to explain bureau operations for Kürşat Şenol Yılmaz

Documented record: counsel requested further examination of Taner Aydın, Mustafa Edip Çakmak, Talha Ülkümen, Burak Cem Yılmaz and Hamza Doğan concerning the sections and operation of R Bureau. The court refused because those persons were defendants.

Assessment: accounts from persons familiar with the division of work could clarify who performed the act attributed to Yılmaz. Co-defendants' rights to silence and against self-incrimination must be protected; their status does not make voluntary explanations, or assignment documents showing the same information, irrelevant. Refusal closed off a means of substantiating the division of duties. The principal Article 6 deficiency is the failure to connect the fact to be proved with the stated ground of refusal.

Source. D17; D14 — Defence submissions and interlocutory decisions concerning "Hearing persons able to explain bureau operations for Kürşat Şenol Yılmaz". Hearing particulars appear in Appendix C.

3 Recording a private security employee as a worker

Documented record: in his final defence, Çakmak expressly maintained that describing a private security employee as a worker was not forgery, because the person appeared in the system as covered by the Social Insurance Institution (SSK). He also stated that addresses and information about contacts between individuals had been turned into charges.

Assessment: this is a substantial defence directly answering alleged inaccuracy and intent to forge. Whether "worker" denotes a social-security classification or the actual occupation may alter the assessment of the charge. Effective defence rights require that distinction to be answered through comparison with the challenged record and its underlying information. No refusal of a specific evidential request is established under this heading; its significance is that the explanation cannot be dismissed as a general denial.

Source. D26 — Defence submissions and interlocutory decisions concerning "Recording a private security employee as a worker". Hearing particulars appear in Appendix C.

4 Defence concerning the purpose of address information

Documented record: in his initial defence, Taner Aydın explained that addresses identified places connected with activities under investigation rather than residences. The example of Birol Sam's Bursa address and the entry of Narin Korkmaz's home was discussed. Çakmak also maintained that a preventive-interception order could be obtained for someone residing elsewhere.

Assessment: whether the address field identifies a residence or the location of the activity investigated is fundamental to assessing inaccuracy and intent. Taner Aydın's explanation therefore engages the safeguards of effectively answering charges and consideration of substantial defence submissions. A different residential address cannot alone establish knowing forgery without explaining the field's purpose. The record documents this defence point; it does not independently establish the address's actual purpose or a separate refusal decision on this issue.

Source. D02; D26 — Defence submissions and interlocutory decisions concerning "Defence concerning the purpose of address information". Hearing particulars appear in Appendix C.

5 Timing of preparations and instructions before the search

Documented record: Yaser Özoğlu explained the sequence of events through operational preparations, reaching the court, coordination of several addresses and instructions received

from the prosecutor. He also disputed the signature and initials on the letter attributed to him.

Assessment: Özoğlu's chronology distinguishes preparatory activity from commencement of a legally authorised search. If criminal intent is inferred from the departure time, this alternative explanation must be considered alongside the material and mental elements of the charge. The right to be heard includes not merely permission to recount the chronology, but assessment of its significance for the allegation. The record identifies the defence; it does not conclusively establish that oral instructions were given.

Source. D02 — Defence submissions and interlocutory decisions concerning "Timing of preparations and instructions before the search". Hearing particulars appear in Appendix C.

6 Ali Bilkay and other officials in the decision-making chain

Documented record: Ali Bilkay stated that the investigation had begun before he took office, and disputed responsibility for the criminal investigation and the documentary basis of the allegation that he had been informed. Yaser Özoğlu requested inquiries into the referral report and correspondence concerning judges and prosecutors whose signatures appeared on the same acts; this was refused as immaterial to the decision and as prolonging proceedings.

Assessment: senior office cannot be equated with knowledge of every subordinate act. Bilkay's appointment date and the timing of his knowledge directly concern individual responsibility. Özoğlu's request for the referral report on the same decision-making chain sought to test how the act came about. Refusal on general grounds restricted documentary explanation of that chain. This procedural issue does not, by itself, establish selective prosecution concerning whether other officials were charged.

Source. D02; D19 — Defence submissions and interlocutory decisions concerning "Ali Bilkay and other officials in the decision-making chain". Hearing particulars appear in Appendix C.

Restrictions on file access and defence preparation

7 Six inaccessible encrypted reports concerning Mustafa Karabal

Documented record: in petition no. 39 of 18 December 2018, Karabal renewed his request for passwords to six documents registered on 5 February 2018. The court recorded that the passwords had not been shared and that a letter had been sent to the General Directorate of Security. It stated that the documents would be requested again if passwords could not be supplied. A password-disclosure order had also been made at the previous hearing.

Assessment: a report without an available password is not usable by the defence merely because it is registered in the file. The court's correspondence shows acknowledgment of the problem and efforts to resolve it. Adequate preparation under Article 6 § 3 (b) requires actual ability to open the document and sufficient remaining time to answer it. The record establishes a concrete access obstacle; correspondence alone does not show that it was removed.

Source. D18; D24 — Defence submissions and interlocutory decisions concerning "Six inaccessible encrypted reports concerning Mustafa Karabal". Hearing particulars appear in Appendix C.

8 Refusal of Gökay Ersel Gülek's request for a physical file

Documented record: the court refused physical delivery, stating that all documents, comprising approximately 400 folders, had been scanned and sent digitally.

Assessment: digital delivery may be reasonable for a file of this scale; no conclusion follows that the defence necessarily has a right to a paper copy of the entire file. Article 6 § 3 (b) nevertheless protects actual working conditions suitable for examining the files supplied. Refusal based solely on digital transmission does not answer concerns about computer access and usability. Practical examination opportunities matter as much as the delivery format.

Source. D17 — Defence submissions and interlocutory decisions concerning "Refusal of Gökay Ersel Gülek's request for a physical file". Hearing particulars appear in Appendix C.

9 Mesut Kesen's request for read access to UYAP

Documented record: Mesut Kesen requested read-only access to the National Judiciary Informatics System (UYAP) to examine the file and precedents. The court refused for lack of competence, stating that authorisation was granted by the Ministry of Justice.

Assessment: UYAP use is not itself a specific method guaranteed by the Convention; the guarantee is effective access to the file and necessary documents. Ministry competence does not remove Mesut Kesen's preparation needs. The refusal leaves that need to another authority without showing that a usable alternative was provided. The Article 6 § 3 (b) concern is that division of administrative responsibility may prevent the defendant from learning the case against him.

Source. D18 — Defence submissions and interlocutory decisions concerning "Mesut Kesen's request for read access to UYAP". Hearing particulars appear in Appendix C.

10 Restrictions on Abdullah Akyürek's meetings with counsel

Documented record: Akyürek's request to lift restrictions on meetings with counsel was refused on the ground that Chief Public Prosecutors' Offices had authority under Emergency Legislative Decree no. 667. He was directed to the prison administration and sentence-enforcement prosecutor. In the initial defence, counsel also stated that he had seen only the indictment and was insufficiently familiar with its annexes.

Assessment: counsel's statement that he had seen only the indictment, together with the request to lift meeting restrictions, raises a concrete concern about effective assistance. Under Article 6 § 3 (b) and (c), formal designation of counsel is insufficient without an ability to consult the defendant and learn the evidence. Identifying the competent prosecutor's office does not meet that need. As the records do not reveal all details of the restriction, no conclusion is drawn that every meeting was monitored or all preparation prevented.

Source. D18; D31 — Defence submissions and interlocutory decisions concerning "Restrictions on Abdullah Akyürek's meetings with counsel". Hearing particulars appear in Appendix C.

11 Numerous changes of counsel during final submissions

Documented record: the court requested separate counsel where lawyers represented multiple defendants because of possible conflicts of interest. The records show that Taner Aydın's former counsel Aliçe Onay continued only for Yaser Özoğlu, and that changes also affected Cem Kendigelen, Mehmet Ali Şevik, Mükremin Dal, Muhammet Ali Özmen, Özcan Karanfil and others. Some defendants repeated their submissions on the merits with new counsel.

Assessment: resolving conflicts protects independent and effective legal assistance. Changes during final submissions nevertheless require time for new counsel to learn the file and consult the defendant. Appointment alone is insufficient under Article 6 § 3 (b) and (c). Rehearing some submissions was a positive remedial measure; the change itself is therefore not treated as a violation. The focus is whether the new assistance was practically effective.

Source. D25; D26 — Defence submissions and interlocutory decisions concerning "Numerous changes of counsel during final submissions". Hearing particulars appear in Appendix C.

Scrutiny of digital evidence

12 Requests for ByLock raw data and acquisition methods

Documented record: Mehmet Emin Çakıcı, Yaser Özoğlu, Ferda İleri, Yusuf Usşen, Nazmi Ardıç, Ahmet Pek and other defendants or counsel requested explanations of who obtained the data, when and how. The court refused by reference to general technical explanations and a Court of Cassation judgment. Özoğlu's request to bring the raw data into the file was also refused at later hearings.

Assessment: the ability to test an electronic record attributed to oneself is part of adversarial proceedings and equality of arms. Refusal based on a general system description does not answer specific objections concerning attribution or data transfer. Even where non-disclosure of raw data has a legitimate justification, effective counterbalancing safeguards remain important. These refusals restrict independent defence scrutiny; they do not prove fabrication. The approach in Yalçınkaya is directly relevant to this procedural concern. [12]

Source. D17; D18; D19 — Defence submissions and interlocutory decisions concerning "Requests for ByLock raw data and acquisition methods". Hearing particulars appear in Appendix C.

13 Access to original Garson data and technical scrutiny

Documented record: Suat Güreycan requested that seizure and examination records for two SD cards and other digital materials, together with raw data, be obtained for the file and supplied to him. The request was refused as incapable of affecting the merits. Karabal's requests for raw data and investigation of the police data pool were also refused.

Assessment: reading a classification report differs from checking the provenance of the underlying data and its attribution to an individual. Refusal of original data and examination records made it harder to substantiate objections concerning transcription errors and attribution. The Article 6 § 1 concern is inability effectively to test an adverse technical inference. The "immaterial to the merits" rationale does not explain the connection with the accuracy of lists used in the charges.

Source. D23; D25 — Defence submissions and interlocutory decisions concerning "Access to original Garson data and technical scrutiny". Hearing particulars appear in Appendix C.

14 Requests for expert examination despite specific technical objections

Documented record: requests to appoint experts to resolve ByLock inconsistencies were refused by reference to earlier Court of Cassation decisions. An individual refusal is also recorded for Müjdat Karagöz. Mesut Kesen's request for a further report was refused, while his objections to the report were reserved for the judgment on the merits.

Assessment: not every expert request must be granted. However, a request to resolve a technical inconsistency in an individual record cannot be fully answered by decisions about the system in other cases. Refusal limits expert-assisted testing of an adverse report. Reserving Mesut Kesen's objections for judgment does not mean they were ignored, but does not alter the absence of a fresh technical examination. The rights concern involves reasoned answers and effective presentation of counter-evidence.

Source. D24; D19; D23 — Defence submissions and interlocutory decisions concerning "Requests for expert examination despite specific technical objections". Hearing particulars appear in Appendix C.

15 Activation date of the line attributed to Müjdat Karagöz

Documented record: counsel alleged that the stated first ByLock detection date was the subscription contract date, and requested an operator inquiry into whether the line was actually activated that day. The court refused as immaterial to the decision and as prolonging proceedings.

Assessment: a subscription contract date and actual activation date are not the same technical fact. The operator-record request sought specific, obtainable evidence capable of testing whether the alleged first connection was possible. Abstractly characterising it as immaterial or dilatory restricted the defence's ability to substantiate its attribution and timing objections. That is the concrete Article 6 concern; technical impossibility cannot be concluded without examining the line records.

Source. D18 — Defence submissions and interlocutory decisions concerning "Activation date of the line attributed to Müjdat Karagöz". Hearing particulars appear in Appendix C.

16 Taner Aydın's objection to attribution of another person's account

Documented record: Taner Aydın challenged attribution because the personal narrative assigned to him did not match his circumstances. The objection concerns the identity of the person to whom the record relates.

Assessment: discrepancies in personal accounts create an attribution question capable of comparative testing. Matching the source text against the police assessment matters for an effective defence and reasoned answer; the recorded objection is not independent evidence of deliberate forgery.

Source. D26 — Defence submissions and interlocutory decisions concerning "Taner Aydın's objection to attribution of another person's account". Hearing particulars appear in Appendix C.

Exculpatory evidence and testing witnesses

17 Yaser Özoğlu's request concerning postal employees and identification

Documented record: to clarify alleged interference with a consignment, Özoğlu requested information on postal procedures, identification and examination of staff involved, and identification and confrontation procedures if necessary. The court refused as incapable of affecting the decision and intended to prolong proceedings. Özoğlu explained the request again in his final defence.

Assessment: the persons sought had direct knowledge capable of clarifying how the alleged interference occurred. The request is closely connected with the right to call defence witnesses under Article 6 § 3 (d). Where who acted and how are disputed, treating identification of staff as immaterial requires a concrete explanation tied to the fact to be proved. General refusal closed off testing of the alternative defence account. This assessment does not establish as fact that no interference occurred.

Source. D18; D26 — Defence submissions and interlocutory decisions concerning "Yaser Özoğlu's request concerning postal employees and identification". Hearing particulars appear in Appendix C.

18 Gökay Ersel Gülek's explanations of the source of funds and official duties

Documented record: Gülek requested the sale agreement to show that money deposited with Bank Asya came from selling a licensed firearm. Documents concerning a sister-school project were sought in the same interlocutory decision. The court refused the requests. At the final-defence stage, it also refused inquiries into duties, tools and equipment for detecting covert listening devices.

Assessment: a sale document showing the source of funds directly counters an inference of organisational motive. Records of scanning duties and equipment likewise distinguish professional activity from the alleged offence. Refusal restricted Gülek's ability to support an ordinary-transaction explanation with documents. Under Article 6, the issue is not merely permission to state an exculpatory explanation, but an opportunity to substantiate it. Refusal does not itself verify the sale or assignment.

Source. D17; D25 — Defence submissions and interlocutory decisions concerning "Gökay Ersel Gülek's explanations of the source of funds and official duties". Hearing particulars appear in Appendix C.

19 Mehmet Emin Çakıcı's requests concerning search evidence and further examination

Documented record: Çakıcı requested questioning of officers involved in the search concerning Onur Süer, investigation of allegations about certain items and images, and further examination of alleged manipulation of digital materials. The court refused various requests, citing three previous expert examinations in relation to the digital material.

Assessment: three earlier examinations may legitimately justify avoiding unnecessary repetition. However, the defence's new, specific questions must have been answered in those reports. Article 6 does not confer an unlimited right to reports, but requires effective consideration of relevant technical objections. This record identifies the refusal grounds. A definitive violation cannot be inferred from refusal alone without comparing the questions with the earlier reports.

Source. D18 — Defence submissions and interlocutory decisions concerning "Mehmet Emin Çakıcı's requests concerning search evidence and further examination". Hearing particulars appear in Appendix C.

20 Yusuf Usşen's request for a site inspection and search witnesses

Documented record: Usşen's request for a site inspection at the former Çınarlı Police Station was refused. In his final defence, he discussed in detail how persons present during searches were selected and how their accounts compared with those of complainants.

Assessment: the inspection sought to test the site's features and the defence account of events. Refusal eliminated that means of producing counter-evidence. Under Article 6, refusal must be assessed through the connection between the fact the inspection would clarify and the charge. Objections concerning search witnesses also engage the right to question the conditions under which they observed events. A problem at one address or in one operation cannot be generalised to all searches.

Source. D05; D26 — Defence submissions and interlocutory decisions concerning "Yusuf Usşen's request for a site inspection and search witnesses". Hearing particulars appear in Appendix C.

21 Witnesses alleged to have communicated with Fahrettin Karaağaç

Documented record: Karaağaç requested that persons with whom he allegedly communicated through ByLock be asked whether they had communicated with him. The decision states that İbrahim Ürün and Yasin Topal had already been examined on judicial

commission; Ürün denied using ByLock, while Topal denied knowledge of Karaağaç's organisational links. Further examination was refused.

Assessment: the witnesses had already been heard, so this cannot be described as a complete failure to hear defence witnesses. Their statements could limit the inference drawn from digital attribution and form part of the discussion of exculpatory evidence. Further examination is not an absolute right, but a specific unanswered question increases the request's importance. The rights issue is consideration of those statements and proposed questions alongside adverse technical inferences.

Source. D23 — Defence submissions and interlocutory decisions concerning "Witnesses alleged to have communicated with Fahrettin Karaağaç". Hearing particulars appear in Appendix C.

22 Distinguishing opinion from direct observation concerning Sadık Altınkaynak

Documented record: the anonymous witness Murat expressly presented his suspicion, based on Altınkaynak's numerous senior appointments, as his own assessment.

Assessment: suspicion inferred from career history is not direct observation of organisational activity. The defence's ability to debate this distinction is part of effective challenge to witness evidence; the presumption of innocence also precludes substituting opinion for proven fact. The statement cannot independently establish individual guilt. As the operative part does not show its weight in the conviction, the report does not describe it as sole or decisive evidence.

Source. D26 — Defence submissions and interlocutory decisions concerning "Distinguishing opinion from direct observation concerning Sadık Altınkaynak". Hearing particulars appear in Appendix C.

Records concerning impartiality and judicial independence

23 Prosecutorial opinion linking lawyers' applications to organisational purposes

Documented record: the record of 27 February 2017 shows the prosecutor, in the context of joining another case, associating certain lawyers' applications with delaying proceedings to serve the organisation's purposes and stating that the other court had been used for that purpose. After the heading "HAVING DELIBERATED, AS REQUESTED", the court ordered severance and registration under a new case number.

Assessment: language identifying a lawyer's procedural request with organisational activity may inhibit the free provision of legal assistance. Under Article 6 § 3 (c), performance of defence duties cannot be equated with the client's alleged offence. The concrete concern is the prosecution's approach; the severance order does not prove adoption of every statement in its opinion. OHCHR and ICJ country assessments of identification of lawyers with clients explain this record's significance. [45, 46]

Source. D07 — Defence submissions and interlocutory decisions concerning "Prosecutorial opinion linking lawyers' applications to organisational purposes". Hearing particulars appear in Appendix C.

24 Objection to “conspiracy” in the case designation

Documented record: Yaser Özoğlu objected to correspondence describing the case as the police component of the İzmir military espionage conspiracy case. He maintained that such language was incompatible with a fair trial while the charges remained under examination.

Assessment: official correspondence describing an act still being tried as an established crime engages the presumption of innocence under Article 6 § 2. Context distinguishes a case label from a declaration of guilt. Özoğlu’s objection raises that safeguard, but his account alone cannot establish the correspondence’s full context or its author’s position. The record is not evidence of external instructions to the judiciary.

Source. D22 — Defence submissions and interlocutory decisions concerning “Objection to “conspiracy” in the case designation”. Hearing particulars appear in Appendix C.

25 Mesut Kesen’s applications for recusal

Documented record: in 2016 Mesut Kesen sought recusal, alleging restrictions on his defence and prejudice to impartiality from notification of a right to make additional defence submissions. The prosecution stated that his defence had not been interrupted and that notification was legally required. The higher court refused recusal; Mesut Kesen stated that he would not challenge that decision. The record also shows refusal of a second recusal application in 2018.

Assessment: access by the reviewing authority to the recording of the challenged conduct is part of effective impartiality review. In the first application, withholding the SEGBİS transcript because of the time required weakened the defence’s ability to support its allegation with an objective record. That is the concrete Article 6 § 1 concern. Refusal alone does not prove bias; the prosecutor’s contrary account and Mesut Kesen’s decision not to pursue a further challenge are also part of the procedural history.

Source. D02; D19 — Defence submissions and interlocutory decisions concerning “Mesut Kesen’s applications for recusal”. Hearing particulars appear in Appendix C.

26 Distinguishing panel changes from the allegation concerning 36 personnel

Documented record: hearing headings identify Oktay Tabur, Halil İbrahim Kibar, Fuat Şenoğlu, Mehmet Erol and Bilal İnanç as presiding judges at different dates. Changes of panel members also appear. Karabal referred in his petition to a list of 36 personnel attending hearings and raised objections concerning a tribunal established by law and independence.

Assessment: a change of panel is not itself a violation of independence. In a trial involving numerous defendants and technical evidence, however, the deciding judges' familiarity with earlier defences and evidential discussion matters for immediacy and effective hearing safeguards. The records show changes, not their purpose or external interference. It would therefore be wrong to translate "36 personnel" into 36 judges. The rights assessment concerns effective consideration of the defence by the deciding panel rather than the number alone.

Source. D02; D03; D17; D20; D23; D24 — Defence submissions and interlocutory decisions concerning "Distinguishing panel changes from the allegation concerning 36 personnel". Hearing particulars appear in Appendix C.

27 Objection to the impartiality of inspectors' reports

Documented record: Özoğlu disputed the inspectors' reports initiating the investigation and their authors' previous assessments. He cited words allegedly spoken by Alparslan Işık during an earlier interview and questioned the reports' impartiality.

Assessment: challenging an inspector's assessment falls within the right to contest evidence when the report supports the charges. Özoğlu's account raises a specific defence issue concerning impartiality and possible preconceptions. Its inclusion as a defence submission does not prove that the inspector actually spoke the attributed words. Reliability of an administrative report and judicial independence are separate matters; an objection to the former does not automatically establish a defect in the latter.

Source. D26 — Defence submissions and interlocutory decisions concerning "Objection to the impartiality of inspectors' reports". Hearing particulars appear in Appendix C.

28 Five minutes for Yaser Özoğlu to conclude

Documented record: while Özoğlu was discussing a film example, the prosecutor stated that it did not concern the substance of the defence and referred to needs arising from the time of day. The presiding judge asked him to conclude within five minutes. The ensuing record shows Özoğlu discussing a reply concerning ByLock attribution and explaining his release request.

Assessment: a court may restrict irrelevant repetition, but may not thereby eliminate the opportunity to explain substantial defence points. The five-minute direction interfered with speaking time, yet technical objections continued afterwards. It therefore does not establish that the entire defence was limited to five minutes or completely prevented. Under Article 6 § 3 (b) and (c), the record is assessed through the effect of time management on completing necessary explanations.

Source. D22 — Defence submissions and interlocutory decisions concerning "Five minutes for Yaser Özoğlu to conclude". Hearing particulars appear in Appendix C.

Liberty and other individual consequences

29 Reasons for Abdullah Akyürek's detention

Documented record: the decision of 19 September 2016 presumed grounds for detention and a risk of absconding by reference to the offence's listed status. Akyürek and counsel addressed his fixed address, absence of intention to abscond and the need to individualise the allegation.

Assessment: reliance on a listed-offence presumption does not explain Akyürek's individual flight risk. Prioritising the offence category without a concrete answer to his address and conduct weakens the safeguard of relevant and sufficient reasons under Article 5 § 3. The criticism concerns this particular detention order; it is neither a calculation of excessive overall detention nor a finding that other defendants' orders were identical.

Source. D31 — Defence submissions and interlocutory decisions concerning "Reasons for Abdullah Akyürek's detention". Hearing particulars appear in Appendix C.

30 Countervailing record showing detention was not automatic

Documented record: in an interlocutory decision at the hearing commencing 14 March 2017, the court refused detention requests for some defendants at liberty for whom ByLock use had been identified. It cited earlier releases, compliance with judicial supervision, attendance, absence of flight risk and substantial completion of evidence collection.

Assessment: the decision shows that, despite the charge, judicial supervision and individual conduct could support liberty. This approach accords with individual scrutiny of necessity under Article 5 § 3. It excludes a claim that every ByLock allegation automatically resulted in detention, while illustrating why individual reasons are required in other detention orders.

Source. D10 — Defence submissions and interlocutory decisions concerning "Countervailing record showing detention was not automatic". Hearing particulars appear in Appendix C.

31 Suat Güreycan's health-based release request: scope of the record

Documented record: a subsequent hearing record notes Güreycan's petition of 30 November 2018 containing health-related explanations and refusal of release on 10 December 2018.

Assessment: the record documents a health-based release request and its refusal. Refusal alone is not a finding of a rights violation. The issue requiring examination is how the reported health needs were assessed in relation to the necessity of detention and access to treatment. This record does not establish obstruction of treatment or that the Article 3 ill-treatment threshold was crossed. It is therefore presented as a relevant procedural record concerning individual health circumstances, not an established violation.

Source. D24 — Defence submissions and interlocutory decisions concerning "Suat Güreycan's health-based release request: scope of the record". Hearing particulars appear in Appendix C.

32 Risk entry concerning Hanifi Aydın's immovable property

Documented record: Aydın reported inability to transact because of an administrative entry affecting use of his property. The court ruled that no decision was required, stating that it had imposed no measure and that the entry was administrative.

Assessment: prevention of economic use of immovable property through an administrative risk entry engages peaceful enjoyment of possessions and effective remedies. The court's statement that it imposed no measure does not resolve the obstacle described, but it cannot be reported as a criminal-court seizure. A property violation cannot be established without clarifying the entry's legal basis and operation. This identifies a rights issue separate from the criminal judgment.

Source. D25 — Defence submissions and interlocutory decisions concerning "Risk entry concerning Hanifi Aydın's immovable property". Hearing particulars appear in Appendix C.

Outcomes and evidential limits

33 Acquittals and comparison of persons performing the same acts

Documented record: the operative part includes acquittals for Ziyattin Kurt and, for Ali Bilkay and Suat Güreycan, acquittals of certain offences alongside different organisation-related outcomes. It addresses individuals and offences in separate provisions.

Assessment: the operative part requires preservation of individual and offence distinctions. Acquittal concerning a search or interception is not the same legal outcome as conviction for membership. Defence-rights review uses that distinction to identify which offence a particular objection sought to answer. Another person's acquittal does not prove that a conviction rested on a single item of evidence; it nevertheless illustrates why collective guilt narratives cannot replace individual evidential assessment.

Source. D43 — Defence submissions and interlocutory decisions concerning "Acquittals and comparison of persons performing the same acts". Hearing particulars appear in Appendix C.

34 Method of assessment by reference to the operative part

Documented record: the first-instance judgment contains separate provisions for individuals and offences. D43 is used for those outcomes, D01 and D42 for regional appellate review, and D44 for cassation outcomes. Hearing records identify defence requests and the court's responses.

Assessment: our examination considers operative outcomes alongside the relevant person's defence and interlocutory decisions. It identifies the charge a refused request sought to answer and the outcome of that charge. An operative outcome does not itself explain the weight of an item of evidence in conviction. The report's legal conclusions are confined to the documented act and relevant defence need.

Source. D43; D01; D42; D44 — Defence submissions and interlocutory decisions concerning "Method of assessment by reference to the operative part". Hearing particulars appear in Appendix C.

35 Mesut Kesen's objection to imaging and copying safeguards during his home search

Documented record: counsel Mustafa Uncu alleged that digital materials were removed during the search of 23 July 2016 without imaging, that hashes and certain serial numbers were not recorded and that no copy was supplied. He also objected to seven further items entered in a record dated 24 July 2016 at 00:45 and bags being opened without the defendant or counsel present.

Assessment: this specific objection requires scrutiny of continuity between the contents at seizure and those examined. Access to search and transfer records, an examination copy and technical examination matters under Article 6 § 1 and Article 6 § 3 (b). Recording the allegations is not independent proof of alteration. The objection must be assessed against the relevant individual and offence-specific outcome.

Source. D26; source note [22]. — Defence submissions and interlocutory decisions concerning "Mesut Kesen's objection to imaging and copying safeguards during his home search". Hearing particulars appear in Appendix C.

36 Comparison of digital-evidence standards in the military espionage proceedings and proceedings against public officials

Documented record: Ramazan Özdemir objected that digital evidence was used without equivalent safeguards against persons charged over deficiencies in on-site imaging, sealing and copying in the military espionage investigation. Muhammet Ali Özmen opposed equating procedural shortcomings in those proceedings with intentional fabrication. Yusuf Usşen explained technical and staffing constraints. The Court of Cassation judgment contains assessments of unlawfulness concerning Article 134 CMK, imaging and hash procedures in certain military espionage searches.

Assessment: evidential reliability standards must be applied consistently in both proceedings. Each item's preservation and verification requires separate examination, recognising differences between acquisition of physical devices and server data. Acquittal in the military espionage proceedings does not automatically prove a particular official's criminal intent. Nor do the records support a generalisation that all those acquittals resulted solely from failure to image on site. Our assessment rests on the individual and offence distinctions in the operative part.

Source. D26; countervailing record D26; D44, Court of Cassation judgment of 7 February 2023; [1, 6, 22]. — Defence submissions and interlocutory decisions concerning "Comparison of digital-evidence standards in the military espionage proceedings and proceedings against public officials". Hearing particulars appear in Appendix C.

APPENDIX B 75 individuals: defence, outcome and source

The sequence number corresponds to the individual's operative paragraph in the judgment of 29 May 2019; the list is not alphabetical. First-instance and cassation outcomes of 7 February 2023 are stated separately. "Acquitted of other offences" refers to paragraph A of the individual ruling, not acquittal of every charge. The defence column summarises submissions without independently establishing their truth. Name variants: Birer Burdur/Buldur; Murat Demirkan/Demirkıran; Hatice Poyraz/Yağma (Poyraz).

In the source column, the hearing code refers to the individual's defence/request section; D43/n refers to their operative paragraph. Cassation references use Parts I–V of D44. Judgment and application dates must not be read as current sentence-enforcement status.

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
1. ABDİ DURAL	Maintains that the classification list gives an incorrect appointment date and unit, and that the assessment of search signatures and evidence security is erroneous.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/1
2. ABDULLAH AKYÜREK	Detailed examination: Appendix A, item(s) 10, 29.	Convicted; acquitted of other offences. 2023: rejection of the out-of-time cassation appeal upheld (II).	D18; D31; D43/2
3. AHMET KAYA	States that his son used the line underlying the ByLock allegation and that a decision not to prosecute him had been issued. Counsel reiterates the account of use of the same line.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/3
4. AHMET PEK	Detailed examination: Appendix A, item(s) 12.	Convicted. 2023: conviction upheld (IV).	D17; D43/4
5. ALİ BEKAR	Identifies ID conflicts, IMEI differences and discrepancies between log and CGNAT records.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/5
6. ALİ BİLKAY	Detailed examination: Appendix A, item(s) 6, 16, 33.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D02; D26; D43/6
7. ARZU YALÇIN	States that she performed only official duties, took no action outside them and denies organisational links.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/7
8. AŞKIN ÇOKSEVER	Maintains that, while acting in another official's place, he signed the covering letter for a completed file and did not prepare its contents.	Acquitted. Based on D43/8-A; the membership entry in the cassation judgment's introduction is not disposed of for this individual in Part IV.	D26; D43/8

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
9. ATAKAN AKPINAR	Counsel agrees with the prosecutor's recommendation of acquittal and maintains that there is no evidence of organisational links.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/9
10. AYHAN ARIKANOĞLU	Maintains that camera footage disproves the allegation that he was alone when opening the door during the search; requests reassessment of the footage.	Acquitted; proceedings dismissed. No subsequent outcome on the merits verified for this table.	D26; D43/10
11. BİRER BURDUR	States that he worked as a records clerk in the Vice Bureau, preparing records and correspondence, reduced others' inquiries to writing and that the prosecutor transferred the file to KOM.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/11
12. CEM KENDİGELEN	Detailed examination: Appendix A, item(s) 11.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D25; D43/12
13. CEMİL YÖRÜK	Distinguishes transcription from responsibility for destruction; denies intent concerning an overlooked conversation and disputes differing assessments of persons doing similar work.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/13
14. ENGİN ÖZTÜRK	Counsel explains his role in preparing and signing a report based on an information note, and alleges absence of a detailed ByLock detection record.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/14
15. ERKAN DEĞER	Maintains that he was in the Financial Crimes Bureau at the relevant dates and did not initial certain alleged letters; compares assignment schedules with document dates.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/15
16. FAHRETTİN KARAAĞAÇ	Detailed examination: Appendix A, item(s) 21.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D23; D43/16
17. FATİH ULUKAYA	Counsel describes a role limited to one week of acting duties and a few initials, and explains hotel records as arising from an official seminar.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/17
18. FERDA İLERİ	Detailed examination: Appendix A, item(s) 12.	Acquitted. No subsequent outcome on the merits verified for this table.	D17; D43/18

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
19. FEVZİ ERKAN	Counsel cites duties confined to superiors' orders, absence of individual organisation-related evidence and a decision not to prosecute in another investigation.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/19
20. FİKRİ SERHAD ÇOKAKLI	Counsel presents an account of assistance in getting Turgut Aslan to hospital on the coup night as exculpatory evidence. Inter-court correspondence concerning the requested statement is recorded.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/20
21. GÖKAY ERSEL GÜLEK	Detailed examination: Appendix A, item(s) 8, 18.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D17; D43/21
22. HAKAN TAN	Counsel explains a role recording and initialling replies received after the operation and agrees with the prosecutor's recommendation of acquittal.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/22
23. HALİM YILMAZER	Describes leaving the structure and subsequent threats. His accounts concerning other defendants require differentiation between personal knowledge, hearsay and assessment.	Acquitted; no penalty imposed. 2023: decision not to impose a penalty upheld (IV).	D26; D43/23
24. HANİFİ AYDIN	Detailed examination: Appendix A, item(s) 32.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D25; D43/24
25. HASAN ALİ OKAN	Maintains that the A5 classification on the Garson card does not describe him and lacks independent material corroboration.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/25
26. HASAN SÜZGAN	Counsel explains that he joined the Saraç operation as reinforcement during the operational stage and that subsequent correspondence followed court and prosecutorial instructions.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/26
27. HATİCE POYRAZ	Counsel maintains that, beyond signing the initial record and handing it to a superior, no connection can be established with later investigative stages.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/27

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
28. İBRAHİM GÖNÜLAL	Explains that initialling does not show authorship of content; his administrative work involved secretarial tasks and covering letters for numerous files.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/28
29. İBRAHİM KAYA	Detailed examination: Appendix A, item(s) 11.	Acquitted. No subsequent outcome on the merits verified for this table.	D25; D43/29
30. İSMAİL ŞAHİN	Maintains that he did not prepare the information note, signed in another person's absence and was linked to a bureau in which he did not work.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/30
31. İLHAN URAN	Counsel disputes official and supervisory responsibility for disclosure of classified documents and alleges that a request to hear the expert was not met.	Convicted; acquitted of other offences. No subsequent outcome on the merits verified for this table.	D26; D43/31
32. KÜRŞAT ŞENOL YILMAZ	Detailed examination: Appendix A, item(s) 2.	Acquitted. No subsequent outcome on the merits verified for this table.	D17; D43/32
33. MEHMET ERUZUN	Maintains that he implemented written judicial and prosecutorial orders for technical interception and that the same practice continued under later management.	Convicted; acquitted of other offences. 2023: membership conviction quashed (V).	D26; D43/33
34. MEHMET ODUNCU	Explains competence and responsibilities concerning unit appointments and technical duties; managerial office must be distinguished from individual conduct.	Convicted; acquitted of other offences. No subsequent outcome on the merits verified for this table.	D26; D43/34
35. MEHMET ALİ ŞEVİK	Detailed examination: Appendix A, item(s) 11.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D25; D43/35
36. MEHMET EMİN ÇAKICI	Detailed examination: Appendix A, item(s) 12, 19.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D17; D18; D43/36
37. MEVLÜT ÇAKAR	Distinguishes preparation of information notes from authority to access intercepted content; states that he lacked access to conversations on the intercepted numbers.	Convicted; acquitted of other offences. 2023: forgery convictions upheld (IV); membership conviction quashed (V).	D26; D43/37

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
38. MEMDUH TOSUN	Explains covering letters for collective orders signed on behalf of the branch director; states that he performed no individually targeted acts and followed the same document workflow in other cases.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/38
39. MESUT AKKAYA	Describes taking requests from operational bureaus to the courthouse under standard covering letters without altering their substance.	Acquitted of other offences; pronouncement of the membership judgment suspended (HAGB). No subsequent outcome on the merits verified for this table.	D26; D43/39
40. MESUT KESEN	Detailed examination: Appendix A, items 9, 14 and 25. Objection concerning on-site imaging and copies: item 35.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D18; D24; D26; D43/40
41. MUHAMMET ALİ ÖZMEN	Detailed examination: Appendix A, item 11. Comparison of imaging safeguards in the two proceedings: item 36.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D25; D26; D43/41
42. MURAT DEMİRKAN	Describes a role limited to field inquiries and recording following a tip-off, and the investigation's professional effects.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/42
43. MUSTAFA ÇİL	Disputes whether ByLock and SD-card classifications establish individual membership acts, and challenges the method of obtaining the data.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/43
44. MUSTAFA KARABAL	Detailed examination: Appendix A, item(s) 7, 13, 26.	Acquitted. 2023: acquittals under Articles 314, 302 and 336 upheld (IV).	D18; D23; D43/44
45. MUSTAFA UYSAL	Corrects the Undersecretary's account of his assignment; maintains that an earlier letter and preliminary inquiry report were prepared at different stages under different powers. Initial detailed explanation in D02.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/45
46. MUSTAFA EDİP ÇAKMAK	Detailed examination: Appendix A, item(s) 1, 3, 4.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D19; D26; D43/46

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
47. MUSTAFA SERBAN	Counsel addresses implementation of administrative instructions and judicial orders, and limits on the relationship between the charged offence and sentence enhancement under anti-terrorism legislation.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/47
48. MUSTAFA GÖKSEL İŞKOL	Describes preparation and submission of the initial tip-off to the prosecutor; questions the ability to re-verify telephone information received from another unit.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/48
49. MÜJDAT KARAGÖZ	Detailed examination: Appendix A, item(s) 14, 15.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D24; D18; D43/49
50. MÜKREMİN DAL	Detailed examination: Appendix A, item(s) 11.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D25; D43/50
51. OSMAN BİLİR	Counsel seeks acquittal because commission of the offence is not established, alternatively application of favourable provisions. No additional specific procedural violation can be inferred from this short passage.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/51
52. OSMAN SAĞLAM	Counsel explains the signature on the initial Vice Bureau record; maintains that subsequent stages of the investigation did not return to that bureau.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/52
53. ÖZCAN KARANFİL	Detailed examination: Appendix A, item(s) 11.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D25; D43/53
54. ÖZGÜR AKÇİÇEK	States that he was assigned as reinforcement to transcribe accumulated recordings and that his personal and professional history is inconsistent with the organisation-related allegation.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/54
55. ÖZGÜR YILDIZ	Counsel seeks to distinguish the person actually conducting the digital forensic examination from signatories to the record, relying on witness explanations of the workflow.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/55

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
56. RAMAZAN ÖZDEMİR	Distinguishes submitting a raw information note to a superior from authority to order interception; questions removal of a password and saving of Garson data in terms of integrity. Consistency of digital-evidence safeguards: Appendix A, item 36.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/56
57. RESUL ZENGİN	Counsel describes signing, as the second officer, a document prepared years earlier by a team leader and denies individual organisational links.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/57
58. SABRİ İLGÜY	States that he was tried in the Saraç case, had no involvement in acts in the military espionage case and that no records establish individual organisational links.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/58
59. SADIK ALTINKAYNAK	Detailed examination: Appendix A, item(s) 22.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/59
60. SADIK ÖZİLHAN	Counsel explains service dates and limited duration, accommodation arising from official duties and a decision not to prosecute in another investigation.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/60
61. SELÇUK KÜÇÜKASLAN	Counsel questions Taner Aydın about authorship of information-transmission forms and the author's signature/initials. D22 also records release on proportionality grounds.	Acquitted; duplicate charges dismissed; convicted of membership. 2023: dismissal of proceedings upheld (IV).	D02; D43/61
62. Serkan ÇİFTÇİ	Distinguishes formal and signature checks of documents reaching the Technical Bureau from inquiry into their contents; describes transmission to judicial and central authorities.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/62
63. SEYDİ ALİ DURU	Maintains that he was assigned to search Filiz Albayrak's home and that items found were visibly removed and placed in an evidence bag; challenges interpretation of the footage.	Convicted; acquitted of other offences. Acquitted on regional appeal; that acquittal quashed on procedural grounds in 2023 (V).	D26; D43/63

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
64. SEYFULLAH ÖZDEMİR	New court-appointed counsel states that he was appointed the previous day and could not meet the defendant, who was subject to an arrest warrant. The presiding judge directs counsel to prepare and states that they may present the defence together when the defendant attends.	Acquitted; duplicate charges dismissed; convicted of membership. 2023: dismissal of proceedings upheld (IV).	D26; D43/64
65. SEYİT AHMET SARI	Counsel describes participation in a search as reinforcement for another branch and alleges that the detailed ByLock detection report had not arrived.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/65
66. SITKI AKGÜL	Counsel denies any signature or initials on a document constituting an offence and alleges absence of individual evidence; agrees with the recommendation of acquittal.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/66
67. SUAT GÜREYCAN	Detailed examination: Appendix A, item(s) 13, 31, 33.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D23; D24; D43/67
68. SÜLEYMAN ÇELİK	Describes joining the file at its final stage in the judicial section, without preparatory or technical work, and conducting certain correspondence pursuant to decisions.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/68
69. TANER AYDIN	Detailed examination: Appendix A, item(s) 2, 4, 11, 16.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D17; D02; D43/69
70. TAYFUR ÇELİK	Counsel maintains that the specific role in the events tried and membership of an organisation require separate proof; agrees with the recommendation of acquittal.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/70
71. YASER ÖZOĞLU	Detailed examination: Appendix A, item(s) 5, 6, 11, 12, 17, 24, 27, 28.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D02; D43/71
72. YASİN ÇAKMAK	Explains assignment under an out-of-province search instruction, selection of the team and sealing of evidence bags; denies overall responsibility for the investigation.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D26; D43/72
73. YUSUF USŞEN	Detailed examination: Appendix A, item(s) 12, 20.	Convicted; acquitted of other offences. 2023: conviction upheld (IV).	D17; D05; D43/73

Defendant at the relevant time / operative paragraph	Defence examined	Outcome (2019 / 2023)	Source
74. YÜKSEL TÜRKAL	Counsel explains that he presented 27 signed documents individually, that they were letters forwarding judicial orders to a superior unit, and identifies the date of departure from duty.	Acquitted. No subsequent outcome on the merits verified for this table.	D26; D43/74
75. ZİYATTİN KURT	Detailed examination: Appendix A, item(s) 33.	Acquitted. No subsequent outcome on the merits verified for this table.	D43; D43/75

APPENDIX C Judicial document particulars

The 44 documents examined are listed below. Duplicate copies of the same text are identified.

D01 — İzmir Regional Court of Appeal, 2nd Criminal Chamber, 1 March 2021, case no. 2020/1447, decision no. 2021/249, reasoned judgment.

D02 — İzmir 2nd Assize Court, case no. 2016/97, 22 August 2016, hearing 2.

D03 — İzmir 2nd Assize Court, case no. 2016/97, 19 December 2016, hearing 3.

D04 — İzmir 2nd Assize Court, case no. 2016/106, 18 October 2016, hearing 4.

Date note: D03 concerns case no. 2016/97; D04 concerns case no. 2016/106. Hearing numbers do not establish a sequence across the two proceedings. The hearing-date field in D04/D32 reads 18 October 2016, while the header reads 16 January 2017; the hearing-date field is used here.

D05 — İzmir 2nd Assize Court, case no. 2016/106, 25 January 2017, hearing 5.

D06 — İzmir 2nd Assize Court, case no. 2016/106, 10 April 2017, hearing 9.

D07 — İzmir 2nd Assize Court, case no. 2016/97, 27 February 2017, hearing 10.

D08 — İzmir 2nd Assize Court, case no. 2016/97, 7 March 2017, hearing 11.

D09 — İzmir 2nd Assize Court, case no. 2016/97, 7 March 2017, hearing 12.

D10 — İzmir 2nd Assize Court, case no. 2016/97, 14 March 2017, hearing 13.

D11 — İzmir 2nd Assize Court, case no. 2016/97, 15 March 2017, hearing 14.

D12 — İzmir Chief Public Prosecutor’s Office, prosecutorial opinion on the merits.

D13 — İzmir 2nd Assize Court, case no. 2016/97, 25 May 2017, hearing 16.

D14 — İzmir 2nd Assize Court, case no. 2016/97, 19 June 2017, hearing 17.

D15 — İzmir 2nd Assize Court, case no. 2016/97, 4 July 2017, hearing 18.

D16 — İzmir 2nd Assize Court, case no. 2016/97, 10 July 2017, hearing 19.

D17 — İzmir 2nd Assize Court, case no. 2016/97, 13 November 2017, hearing 22 and continuation sessions.

D18 — İzmir 2nd Assize Court, case no. 2016/97, 19 February 2018, hearing 24 and continuation sessions.

D19 — İzmir 2nd Assize Court, case no. 2016/97, 1 June 2018, hearing 26.

D20 — İzmir 2nd Assize Court, case no. 2016/97, 8 October 2018, hearing 27.

D21 — İzmir 2nd Assize Court, case no. 2016/97, 15 October 2018, hearing 28.

D22 — İzmir 2nd Assize Court, case no. 2016/97, 15 October 2018, hearing 28.

D23 — İzmir 2nd Assize Court, case no. 2016/97, 14 November 2018, hearing 29.

D24 — İzmir 2nd Assize Court, case no. 2016/97, 4 February 2019, hearing 30.

D25 — İzmir 2nd Assize Court, case no. 2016/97, 24 April 2019, hearing 31 and continuation sessions.

D26 — İzmir 2nd Assize Court, case no. 2016/97, 24 April 2019, hearing 31 and continuation sessions.

D27 — İzmir 2nd Assize Court, case no. 2016/97, 30 May 2019, hearing 32.

D28 — İzmir 2nd Assize Court, case no. 2016/97, 30 May 2019, hearing 33.

D29 — İzmir 2nd Assize Court, case no. 2016/106, 9 August 2016, hearing 1.

D30 — İzmir 2nd Assize Court, case no. 2016/106, 12 August 2016, hearing 2.

D31 — İzmir 2nd Assize Court, case no. 2016/106, 19 September 2016, hearing 3.

D32 — İzmir 2nd Assize Court, case no. 2016/106, 18 October 2016, hearing 4 (same text as D04).

D33 — İzmir 2nd Assize Court, case no. 2016/106, 25 January 2017, hearing 5 (same text as D05).

D34 — İzmir 2nd Assize Court, case no. 2016/106, 10 April 2017, hearing 9 (same text as D06).

D35 — İzmir 2nd Assize Court, case no. 2016/106, 10 July 2017, hearing 11.

D36 — İzmir 2nd Assize Court, case no. 2016/106, decision no. 2017/191, joinder order.

D37 — İzmir 2nd Assize Court, case no. 2016/106, decision no. 2017/191, joinder order (same text as D36).

D38 — İzmir Chief Public Prosecutor's Office, investigation no. 2014/93685, indictment no. 2016/864.

D39 — İzmir Chief Public Prosecutor's Office, investigation no. 2014/82482, indictment no. 2016/1103.

D40 — İzmir Chief Public Prosecutor's Office, investigation no. 2014/82482, indictment no. 2016/1103 (same text as D39).

D41 — İzmir Chief Public Prosecutor's Office, investigation no. 2014/82482, indictment no. 2016/1103 (same text as D39).

D42 — İzmir Regional Court of Appeal, 2nd Criminal Chamber, 1 March 2021, case no. 2020/1447, decision no. 2021/249, reasoned judgment (same text as D01).

D43 — İzmir 2nd Assize Court, 29 May 2019, case no. 2016/97, decision no. 2019/335, operative judgment.

D44 — Court of Cassation, 3rd Criminal Chamber, 7 February 2023, case no. 2021/20628, decision no. 2023/471, judgment.

APPENDIX D Translated extracts from critical interlocutory decisions

The following passages are English translations of the original Turkish extracts. In the source report, only line breaks and spacing were consolidated. Bracketed ellipses indicate omissions within the same decision. Sources are identified by hearing and interlocutory decision/individual heading. The quotation records the court's procedural act; the assessment that follows is the report author's.

1. Computer access

İzmir 2nd Assize Court, case no. 2016/97, 19 December 2016, third hearing; interlocutory decision 45.

> "[...] having also considered that, for defendants properly to conduct their defence, it would be sufficient for the administration to allocate, at specified times of day, a computer without internet access equipped to read flash memory, CDs and DVDs; that otherwise they would be deprived of their fair-trial rights under Article 36 of the Constitution and Article 6 § 3 (b) ECHR and prevented from exercising their 'right to adequate time and facilities for the preparation of their defence', thereby causing a serious infringement of rights; a letter shall be sent communicating this court's opinion that the administration should allocate computers to enable preparation of their defence in accordance with the stated criteria,"

Assessment: the court itself records that access is necessary for defence preparation.

2. Gülek's sale agreement

İzmir 2nd Assize Court, case no. 2016/97, 13 November 2017, 22nd hearing and continuation sessions; interlocutory decision 4.

> "4—The request by the defendant Gökay Ersel GÜLEK to obtain from the Firearms Licensing Branch of the İzmir Police Directorate the sale agreement showing that money deposited into his long-standing Bank Asya account related to the sale of his licensed firearm, [...] is refused under Article 206 § 2 (b) and (c) CMK, as proof of this matter would not affect the decision and the request is intended to prolong the proceedings,"

Assessment: the refusal formula does not explain concretely why the explanation of the source of funds is irrelevant to the outcome.

3. Kesen's request to hear report authors

İzmir 2nd Assize Court, case no. 2016/97, 13 November 2017, 22nd hearing and continuation sessions; interlocutory decision 6.

> "6—The defendant Mesut KESEN's request for examination at the hearing of Prof. Dr Göktürk ÜÇOLUK and Dr Özgür KAYA, members of the Middle East Technical University Computer Engineering Faculty whose expertise was sought by the Civil Administration Inspectors in indictment no. 2016/864 of the İzmir Chief Public Prosecutor's Office, and of Kemal ALTINSOY, Emrah KALA and Hüseyin EMER, whom he identified as having prepared expert reports on digital materials seized from his home and vehicle in the annexes to indictment no. 2017/1300 of that Office, is refused under Article 206 § 2 (b) and (c) CMK, as it would not affect the decision at this stage and is intended to prolong the proceedings,"

Assessment: deferral of the objection to the merits and refusal of questioning of experts must be assessed together.

4. Request for ByLock raw data and forensic images/hash values

İzmir 2nd Assize Court, case no. 2016/97, 13 November 2017, 22nd hearing and continuation sessions; interlocutory decision 27.

> "27—The requests by Cem GÜLBAYOĞLU, Mehmet Emin ÇAKICI, Yaser ÖZOĞLU, counsel for Ferda İLERİ, lawyer Bedia Kübra İLERİ, the defendant Yusuf USŞEN, Nazmi ARDIÇ, Ahmet PEK and certain other defendants and counsel for information on who obtained the ByLock data, when, by what method, under which investigation, if any, and pursuant to which prosecutor's or court's decision; for an exact forensic image of the ByLock server or, if there is no forensic image, all raw data obtained and digital records relating to ByLock; for the cryptographic digest (HASH) value generated during imaging; and for expert

examination of those values, are each refused under Article 206 § 2 (b) and (c) CMK, since the manner of obtaining ByLock data is explained in detail in the Court of Cassation's 16th Criminal Chamber judgment of 24 April 2017, case no. 2015/3, decision no. 2017/3, proof of this matter would not affect the decision and the requests are intended to prolong proceedings,"

Assessment: a general explanation in another judgment is distinct from an individual's need to test their own record.

5. Güreycan's request for SD-card raw data

İzmir 2nd Assize Court, case no. 2016/97, 14 November 2018, 29th hearing; interlocutory decision under the heading for Suat Güreycan.

"Whereas, by his petition of 14 November 2018, the defendant Suat GÜREYCAN requested that the seizure record, imaging record, examination record showing metadata and all records of other procedures concerning the two SD cards and all other digital materials stated to have been delivered to the Ankara Chief Public Prosecutor's Office by the anonymous witness code-named Garson, together with the original raw form of all digital data delivered by that witness, be obtained for the file and supplied to him, to check whether all data obtained had been accurately transcribed into the record and to prepare his defence concerning the inconsistencies identified above; whereas he stated that this court had served only the prosecutor's instructions authorising imaging and physical intervention concerning the SD cards and GSM materials, and the judicial orders under Article 134 CMK authorising imaging; and whereas, because the substance of his request had not been met, he renewed his request that the seizure record, imaging record, examination record showing metadata and original raw form of all digital data concerning the two SD cards and all other digital materials reportedly obtained from that anonymous witness be obtained for the file and supplied to him; the defendant's present request is refused as it is understood not to affect the merits of the case,"

Assessment: service of authorisation orders and examination of raw data address different defence needs.

6. Özoğlu's request concerning postal personnel and identification

İzmir 2nd Assize Court, case no. 2016/97, 19 February 2018, 24th hearing and continuation sessions; interlocutory decision under the heading for Yaser Özoğlu.

"[...] the request that, if lists of names are provided, those employees be heard as witnesses to establish whether police officers intervened in relation to the consignment; that the witnesses be asked whether police personnel opened and inspected it, whether any judicial order or written prosecutorial instruction was produced, and whether the names and units of the officers involved were known; that the defendants be identified in person or from photographs to establish whether the officers who intervened were among them; and, if identified, that the identified defendants be confronted with the witnesses before the court, is refused under Article 206 § 2 (b) and (c) CMK, as proof of this matter would not affect the decision on the merits and the request is intended to prolong proceedings,"

Assessment: the request sought to test involvement through identification and confrontation as well as witness examination.

7. Karabal's request for raw data and HTS records

İzmir 2nd Assize Court, case no. 2016/97, 24 April 2019, 31st hearing and continuation sessions; interlocutory decision under the heading for Mustafa Karabal.

"Having considered that the evidence in the file was collected lawfully, that the file contains judicial orders concerning acquisition of the data obtained from the anonymous witness named Garson, and that no record other than the defendant's allegation indicates unlawful collection, the defendant Mustafa KARABAL's requests to obtain the raw data concerning him in the profiling file obtained from that witness, and the HTS records underlying the analysis reporting HTS contacts with persons linked to FETÖ following searches of the İzmir Police Directorate's data pool concerning the defendants, were each refused as intended to prolong proceedings; the decision was pronounced and the public hearing continued."

Assessment: preserving the acquittal outcome, the report examines how far the reasons for refusal answer the technical objection.

8. Akyürek's detention

İzmir 2nd Assize Court, case no. 2016/106, 19 September 2016, third hearing; interlocutory decision 1.

> "1—Having regard to facts indicating a strong suspicion that the defendant ABDULLAH AKYÜREK committed the offence charged, the current state of the evidence, the fact that membership of a terrorist organisation is among the listed offences under Article 100 § 3 (a) (11) CMK and the consequent presumption of grounds for detention and a risk of absconding, and the maximum penalty prescribed for the offence, the defendant shall be REMANDED IN CUSTODY under Article 100 et seq. CMK,"

Assessment: the connection drawn between the listed offence and individual flight risk is examined under Article 5 ECHR.

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Shared edition record: IZM-2026-10-26-01 (main report and Annexes A-D). The reporting period and dated outcomes in the original text are retained. D25 and D26 are separate archive identifiers with the same published hearing description; they must not be counted as two independent hearings or as mutual corroboration until their document types are matched to the source copies. Later procedural outcomes are not established by this revision.