



Judicial Independence Monitoring Report
17 December 2013 – 20 October 2026

**INTERFERENCE WITH JUDICIAL INDEPENDENCE
AND VIOLATIONS OF RIGHTS
IN TÜRKİYE
REPORT ON DOCUMENTED CASES**

Prepared by
Security Studies and Rule of Law Association
(SRL Swiss)

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

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Introduction: scope of the cases and judicial independence

This report examines concerns relating to judicial independence in Türkiye through specific individuals, courts, administrative measures and judicial decisions. It addresses the removal and transfer of judges and prosecutors, disciplinary and criminal investigations against them, changes to the composition of judicial panels, judicial review of detention and the failure to implement binding judgments finding violations. The period examined runs from 17 December 2013 to 20 October 2026.

This is a monitoring report comprising cases that can be documented; it is not an exhaustive account of all violations in Türkiye. The numbers 001–126 in the case headings are sequential reference numbers within this report, not court file or application numbers. A single case record may encompass several measures spanning multiple years, while a judgment concerning a group of applications may cover hundreds of applications.

The review shows that the concerns are not confined to a single category of proceedings. Administrative judges reviewing environmental and development projects, criminal judges of peace refusing applications for detention, assize court panels ordering release and members of the judiciary expressing professional criticism have faced various measures. ECtHR judgments, in turn, establish numerous specific violations concerning the lawfulness of initial detention, reasonable suspicion, access to a court and effective defence rights. The report does not assume that every case involves the same political motive or the same type of violation.

The monitoring is not limited to 2013–2019. It also examines subsequent developments concerning judges' professional safeguards, the implementation of judgments finding violations and the effect of political statements on the environment in which proceedings take place. In the Yalçinkaya, Demirtaş and Kavala cases, political statements and judicial measures are presented together, with their respective dates. Developments in 2026 are covered up to the cut-off date of 20 October 2026. The absence of an event from this report does not mean that no violation occurred in that case.

Focus of the review

Each case is examined by identifying the decision or measure, its consequences for the individuals concerned and the documents supporting those consequences. Transfer, investigation, detention and non-implementation of a judgment are different types of measure. Their successive occurrence in the same case is relevant to assessing possible pressure on the exercise of judicial discretion. Political statements are considered in light of the speaker's authority, the substance of the statement and the context of the proceedings. The absence of an express instruction does not mean that a statement cannot exert pressure.

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Sources and recording methodology

The research is based on a review of ECtHR and Constitutional Court judgments, Council of Europe execution documents, HSK appointment decrees and activity reports, legislation and parliamentary records, statements by professional organisations and contemporaneous news reports. The documents supporting each case are identified at the end of the record. The operative provisions and reasoning of judgments, official measures, statements by the parties and allegations in news reports are assessed separately; a source's assessment is not presented as a judicial finding.

The report of the HRD Legal Commission dated 15 July 2019 carries substantial weight in the account of events during 2013–2019: it is cited in 49 of the 126 case records and is the sole source cited in 31 records. Those accounts have been summarised with attribution and distinguished from this report's assessments. Where comparison with other documents was possible, discrepancies in names, duty stations and dates have been explained. Accounts based solely on HRD have not been treated as events verified by independent documentation. [K01]

Judicial finding: the conclusion reached by the Constitutional Court or the ECtHR in a specific application. The right found to have been violated is distinguished from complaints that were not examined or in respect of which no violation was found.

Official measure: a measure verified by an HSK list, legislation or an official document. The existence of a transfer list does not, in itself, establish a punitive purpose.

Monitoring finding: a statement or assessment by an international body or professional organisation.

Contemporaneous account: an event described in a news report or research report, which is not presented as a conclusive judicial finding.

The cases are arranged according to the year of the principal measure or decision underlying each record. Subsequent developments extending into later years are presented under the same heading with their dates; they did not occur in the year indicated by the section heading. Cases such as Bilgen and Eminağaoğlu, in which the initial measure predated 2013, are included because judgments were delivered during the period under review. Where the precise day could not be verified, no date has been estimated.

Disciplinary files that are not publicly accessible, appointment lists that contain no individual reasons and unavailable documents limit the research. Accounts based on a single source are not presented as final judicial findings of a violation. The K codes refer to entries in the linked references. These codes are reference keys; gaps between them do not indicate the number of cases. The numbers of applications covered by grouped judgments have not been aggregated without a comparison capable of preventing the same individuals from being counted more than once.

Scope of the judgments and limitations of the sources

A finding of a violation, a finding of no violation and a declaration of inadmissibility are different outcomes. Each decision is used only in relation to the right and period

determined by the court. Complaints that the court did not examine separately are not presented as additional findings of violations.

The different outcomes in Tercan, Parıldak, Sabuncu and Ünal are explained in the relevant case records. These distinctions show that a finding of a violation of certain rights does not mean that all complaints were upheld. [K101, K100, K134, K140]

Where names, places, dates or titles differ, the document relied upon is identified in the relevant case. For example, Sönmezler's duty station and Emlik's new title are taken from official HSK annexes, while Mehmet Ali Kurt's name is taken from the parliamentary record. The Cerattepe transfers are linked to the 2015 appointment decree and distinguished from the publication date of the news report.

A source's description of a measure as "exile", "pressure" or "demotion" is assessed separately from the official record verifying the measure. The relevant records explain that Nimet Demir's dissent was delivered at the objection stage, that reassignment of duties within the same city differs from a transfer to another province, and that administrative litigation and criminal proceedings are separate processes.

Abbreviations

ECtHR — European Court of Human Rights

ECHR — European Convention on Human Rights

PACE — Parliamentary Assembly of the Council of Europe

Constitutional Court — Constitutional Court of Türkiye (AYM in Turkish)

BAM — Regional Court of Appeal

UN — United Nations

EIA — Environmental Impact Assessment (ÇED in Turkish)

HRD — Human Rights Defenders Legal Commission

HSK — Council of Judges and Prosecutors

HSYK — High Council of Judges and Prosecutors

KHK — Decree-Law

MGK — National Security Council

MİT — National Intelligence Organisation

OHAL — State of Emergency

TBMM — Grand National Assembly of Türkiye

TCK — Turkish Criminal Code

TİB — Telecommunications Communication Presidency

YARSAV — Association of Judges and Prosecutors

YSK — Supreme Electoral Council

2013 and 2014

001 The December investigations: from the removal of five judicial officers from the cases to their dismissal from office

Dates: 17 and 25 December 2013; personnel measures in 2014; dismissal decision on 12 May 2015. Location: İstanbul.

Personnel and disciplinary measures were taken against Zekeriya Öz, Celal Kara, Mehmet Yüzgeç and Muammer Akkaş, who had conducted corruption investigations, and Judge Süleyman Karaçöl. The European Commission's 2014 report recorded changes to the investigating personnel and concerns about executive interference with the investigations. The case annex to the Venice Commission's 2015 declaration also addressed these individuals and the failure to execute orders issued in the investigations. The Government, for its part, characterised the process as an initiative by a parallel structure within the judiciary.

Assessment: The criminal allegations in the investigations and the lawfulness of the investigators' actions are separate issues. The judicial independence concern in this case is the replacement of the judicial officers conducting the investigations and the failure to execute their orders in practice. The subsequent decision not to prosecute does not, in itself, establish that the earlier personnel changes were lawful.

Documentation: International monitoring finding. Sources: K46, chapter on the judiciary; K47, case annex; K01, relevant historical account.

Dismissal stage, 12 May 2015: The four prosecutors involved in the December investigations and Judge Karaçöl were dismissed from the profession. Anadolu Agency's contemporaneous report identified the five individuals and reported the HSYK decision. The Venice Commission's declaration likewise recorded the removal of the investigators from their cases, their transfers and their dismissals as part of the same sequence of events. The grounds for dismissal and the individuals' challenges to those grounds must be assessed separately from the merits of the underlying investigations.

Assessment: Conducting an investigation does not exempt a judicial officer from legal responsibility. Nevertheless, the most severe professional sanction must rest on specific, individualised reasons and be subject to defence rights and effective review. This case illustrates how the replacement of investigators in a case progressed to permanent dismissal from the profession.

Documentation: Dismissal account based on an official statement, together with an international assessment. Sources: K95; K47; K01.

002 Reporting obligations imposed on the judicial police and the Council of State's stay of execution

Dates: 21–27 December 2013; 16 January 2014. Institutions: Ministries of Justice and the Interior; Council of State.

An amendment to the Judicial Police Regulation required information concerning investigations to be reported to administrative superiors. On 27 December 2013, the Tenth Chamber of the Council of State stayed the execution of the amendment. A news

report dated 16 January 2014 stated that the ministries' objection to that decision had been dismissed. The contemporaneous report gave 21 December as the publication date of the amendment. The reference to 19 December in the European Commission text has not been treated as referring to the same date.

Assessment: Transmitting information about an investigation involving public officials to an administrative hierarchy outside the investigation may affect the prosecutor's independent collection of evidence and the confidentiality of the investigation. In this case, judicial review operated against the amendment. The record does not assert that every transfer of information actually led to the concealment or destruction of evidence; it identifies the amendment and the judicial measure suspending it.

Documentation: Contemporaneous account of a judicial measure and European Commission assessment. Sources: K83; K46.

003 Statutory termination of the duties of HSYK personnel

Date: February 2014; subsequent ECtHR judgment on 26 March 2024. Individual concerned: Ahmet Hüsrev Kartal.

Law no. 6524 provided for the termination of certain duties within the HSYK on the date of its entry into force. Kartal's position as Deputy Chair of the Inspection Board was terminated under that provision. He was unable to obtain review of the measure by an independent court. In application no. 54699/14, the ECtHR held that his right of access to a court had been violated.

Assessment: The fact that a measure is adopted directly by statute does not justify depriving the person whose professional position is affected of all judicial protection. This case shows that a personnel measure gave rise, years later, to a specific finding of a violation of rights. The Constitutional Court's annulment of certain provisions in 2014 and effective review of the individual measure affecting Kartal are distinct matters.

Documentation: Judicial finding under Article 6 § 1 ECHR. Sources: K56, Kartal v. Türkiye; K46.

004 Cihangir Cengiz and the decision concerning the blocking of access to YouTube

Date and locations: 2014; Ankara Fourth Administrative Court and Konya Regional Administrative Court.

The Ankara Fourth Administrative Court stayed the execution of the Telecommunications Communication Presidency's decision blocking access to YouTube. The court's president, Cihangir Cengiz, was subsequently appointed to Konya. HRD recorded that the appointment took place before the completion of his term. A contemporaneous publication listing the June 2014 appointments by name identified Cengiz's previous position as President of an Ankara Administrative Court and his new posting as the Konya Regional Administrative Court. The appointment list therefore specifies that his new position was at the Konya Regional Administrative Court.

The distinctive feature of this case is the career measure affecting the president of a court that reviewed an administrative ban on a communications platform. Public debate over the access ban and the grounds for the transfer require separate documentation. The appointment list confirms the change of duties; establishing the allegation that it constituted punishment for a judicial decision would require the judge's posting preferences, the record of his term of service and the individual reasons for the measure.

Documentation: HRD § 41, PDF p. 9; contemporaneous publication of the appointment list. Sources: K01, K124.

005 Establishment of the criminal judgeships of peace

Date: Law no. 6545, published on 28 June 2014; appointments in July 2014.

The new criminal judgeships of peace were given extensive powers over detention and other preventive measures at the investigation stage. A system was introduced under which an objection to a decision of a criminal judgeship of peace was referred to another such judgeship. In 2017, the Venice Commission examined the functions, operation and review mechanisms of this structure in a dedicated opinion.

Assessment: The concentration of powers affecting personal liberty must be assessed together with appointment procedures and security of tenure. Establishment of the institution does not, in itself, demonstrate that all its decisions are unlawful. However, the cases below concerning changes to the postings of judges following their decisions show the practical importance of institutional safeguards. The amendment concerning objections to detention and judicial supervision measures, which entered into force in 2022, must also be distinguished from the 2014 arrangements.

Documentation: Legislation and international legal analysis. Sources: K50; K36; K01, §§ 28–29.

006 İstanbul Fourth Administrative Court: transfers following environmental and planning decisions

Date and location: Account concerning 2014; İstanbul Fourth Administrative Court.

HRD reported that the president and two members of the court that ordered the demolition of the 16/9 towers affecting İstanbul's historic skyline and stayed the execution of the EIA report for the third airport were transferred to other provinces before completing their terms. Two separate planning and environmental disputes are considered together here in relation to the professional safeguards of the same judicial panel. The two decisions have not been counted as though they involved two separate affected panels.

This monitoring record illustrates that judicial independence concerns are not confined to criminal and terrorism cases. Security of tenure for administrative judges deciding disputes over major investment projects is as significant as the ability to enforce their decisions. Replacing the president and all members of a panel may also affect which judges hear pending disputes.

The names of the panel members, the dates of their individual transfers and the official reasons for the measures could not be verified and are therefore not given. The period indicated is not a precise appointment-decree date. If the appointment documents for the three individuals become available, the changes to the panel can be detailed by person and measure.

Documentation: HRD § 42, PDF p. 9; contemporaneous account. Source: K01.

007 Transfer of Ayşe Neşe Gül from Ankara to Edirne

Date: 27 November 2014. Individual concerned: Judge Ayşe Neşe Gül.

HRD recorded that Ayşe Neşe Gül, who stood in the 2014 HSYK elections and received a high number of votes, was appointed to Edirne before completing one year in her Ankara post. The report cited the case as an example concerning the protection of the professional position of judicial officers who participate in elections. Without access to the complete individual appointment file, the allegations that the transfer was involuntary and connected to the election have not been treated as establishing a conclusive causal link.

Assessment: If a connection exists between candidacy in Council elections and an adverse career measure, freedom of professional representation is also affected. The principal documents requiring verification in this case are the appointment decision, the individual's preferences and the reasons for the measure.

Documentation: HRD contemporaneous account; no independent judicial finding of a violation is presented. Source: K01, § 31, PDF p. 8.

008 Rabia Başer and Mehmet Ali Kurt: annulment of the Taksim project

Date and locations: 2014; İstanbul Tenth Administrative Court, the regional administrative court and Van.

Rabia Başer, President of the İstanbul Tenth Administrative Court, which annulled the project concerning Taksim Square and the area around Gezi Park, was assigned to the regional administrative court; panel member Mehmet Ali Kurt was appointed to Van. HRD gave the member's name as "Ali Kurt". The parliamentary record of the sitting of 13 December 2014 used "Mehmet Ali Kurt" when describing the same event. This report uses the full name on the basis of that parliamentary record.

This case is distinct from the Gezi criminal proceedings of 2020 and 2022. It concerns judicial review of an urban development project by the administrative courts and changes to the duties of the judges who delivered the decision. This distinction prevents different proceedings and allegations of interference under the heading "Gezi" from being conflated.

The parliamentary record confirms that the allegation was raised in Parliament; it does not transform the speech into an independent judicial finding of a violation. The characterisation of the transfer as punitive is the assessment of HRD and the speaker. The termination of a court presidency and a transfer to another province are recorded as different career consequences for the two judicial officers.

Documentation: HRD § 43, PDF p. 10; parliamentary record of 13 December 2014, relevant speech. Sources: K01, K123.

2015 and 2016

009 Prosecutors conducting the MİT lorries investigation

Dates: Searches in January 2014; personnel and detention measures in January and May 2015.

Süleyman Bağrıyanık, Ahmet Karaca, Aziz Takçi and Özcan Şişman were transferred following their actions concerning the stopping and searching of lorries travelling to Syria. The Venice Commission's case annex recorded their suspension in January 2015 and the detention process in May 2015. State authorities treated the investigative measures in the context of allegations concerning state secrets and organisational activity.

Assessment: The limits of a claim of state secrecy and of a prosecutor's authority to investigate suspected offences must be determined within the law. Whether a judicial officer's action was unlawful, whether that officer bears individual responsibility and whether detention is necessary are separate questions. This record does not conclude that every allegation concerning the lorries' cargo was substantiated.

Documentation: Venice Commission case record identifying the individuals concerned. Source: K47, case annex; supplementary historical account in K01.

010 Transfer of Kemal Karanfil

Dates: 15 January 2015; a further temporary assignment in February 2016. Locations: Eskişehir, Zonguldak and Şanlıurfa.

HRD recorded that Kemal Karanfil, a criminal judge of peace in Eskişehir, was appointed to Zonguldak after referring the issue of the constitutional safeguards of criminal judgeships of peace to the Constitutional Court. A February 2016 news report confirmed the transfer on 15 January 2015 and his subsequent four-month assignment to Şanlıurfa. The appointment letter quoted in that report referred to workload and staffing in Zonguldak; Karanfil criticised the measure.

Assessment: A judge should not suffer an adverse measure for seeking constitutional review. The fact of the transfer is distinguished here from the allegation that it had a punitive purpose. The publicly available news report does not, on its own, establish that purpose conclusively.

Documentation: Change of posting confirmed by HRD and an independent contemporaneous news report. Sources: K01, § 37; K87, 22 February 2016.

011 Repeated changes to Bahattin Aras's posting within a single year

Date: The 2015 appointment-decree period; the source does not specify the individual transfer dates.

HRD reported that Judge Bahattin Aras's posting was changed five times within one year. The report considered this case in the context of appointments outside the ordinary summer and autumn decrees and reassignment before completion of a term. The five transfers have not been counted as five independent cases in this study; they are treated as a single case affecting one judicial officer's professional continuity.

Frequent changes of posting affect a judge's family and residential arrangements, specialisation, ability to complete pending cases and professional predictability. The purpose of the measures cannot, however, be inferred solely from the number of transfers. Since the source does not provide the decision numbers and duty stations for all five transfers, a complete chronology could not be established.

Whether each transfer was requested or imposed ex officio, and whether it was lawful, cannot be conclusively determined without the individual administrative documents.

Documentation: HRD § 33, PDF p. 8. Source: K01.

012 Removal of Yavuz Kökten and Süleyman Köksaldı from criminal judgeship-of-peace duties

Dates and location: 2014–2015; Ankara.

HRD recorded that criminal judges of peace Yavuz Kökten and Süleyman Köksaldı were removed from their duties after ordering the release of certain police officers in Ankara. It also described Köksaldı's assignment to the Ankara Twenty-First Labour Court after he ordered publication of a correction concerning a news report alleging espionage at TİB. As two different judicial decisions were described in relation to the same judge, those accounts have been retained within a single record of professional measures.

Reassignment from a criminal judgeship of peace to a labour court is not dismissal from the profession. It nevertheless terminates the judge's authority to hear particular cases involving preventive measures and changes the scope of the judge's duties. The measure's effects therefore cannot be assessed solely by asking whether the individual retained the title of judge.

Since the source does not give the date and number of each change of duties, the measures have not all been assigned a single precise date. HRD's general account that seven of the first eight judges in Ankara were replaced within a year has not been used as a substitute for the individual decision documents concerning these two judges.

Documentation: HRD §§ 39 and 47, PDF pp. 9–10. Source: K01.

013 Ankara criminal judges of peace who ruled in cases involving police officers

Dates: 1–9 March 2015. Individuals concerned: Orhan Yalmanlı, Hasan Çavaş and Seyhan Aksar.

HRD reported that Orhan Yalmanlı refused to order the detention of 24 police officers brought before him on 1 March; Hasan Çavaş dismissed the objections, and Seyhan

Aksar had also previously ruled in favour of police officers. According to the report, the three judges were removed from their criminal judgeship-of-peace duties on 9 March. The case is significant because different judges faced the same type of career measure following similar decisions.

Assessment: Where a decision is considered incorrect, the ordinary course is to challenge it through judicial remedies. Using assignment powers to influence the substance of a decision constitutes a separate form of interference. This record does not claim that such interference has been conclusively established by a court in this case; it examines the reported sequence of events.

Documentation: HRD contemporaneous account. Source: K01, § 39, PDF p. 9. The full reasons for the individual personnel measures are not available in this record.

014 Detention of Metin Özçelik and Mustafa Başer following their decisions

Initial proceedings: 25 April–1 May 2015, İstanbul. Subsequent judicial review: ECtHR judgment of 13 September 2022.

Earlier political statement — 20 March 2015: Paragraph 55 of the HRD report quotes Erdoğan as saying, “We are closely following the judges who deliver decisions in cases linked to the parallel structure.” This was neither a post-coup statement nor a statement by Mehmet Yılmaz. Its date and speaker have been retained, and it is recorded as part of the political context preceding the measures against Başer and Özçelik. The evidential basis for the quotation is HRD’s account; it has not been treated as separately verified against a recording of the original speech. [K01, § 55]

Decisions in the recusal and release proceedings involving Metin Özçelik and Mustafa Başer were not implemented. The two judges were suspended on 27 April and subsequently detained. In its declaration of 20 June 2015, the Venice Commission addressed the process by name and expressed concern about measures taken against judicial officers on account of their decisions. The domestic authorities relied on allegations of exceeding jurisdiction and acting for organisational purposes.

Assessment: A jurisdictional or procedural defect in a decision and an allegation that the judge who delivered it committed an offence require separate proof. The Venice Commission’s assessment was that dissatisfaction with a judicial decision cannot, in itself, become a ground for disciplinary action or detention. The 2015 declaration and the 2022 ECtHR judgment below are different forms of review undertaken on different dates.

Documentation: Sequence of official measures and international monitoring finding. Sources: K47, case annex; K01, §§ 56–58.

Subsequent development — ECtHR judgment of 13 September 2022

ECtHR outcome of 13 September 2022: In Başer and Özçelik v. Türkiye, applications nos. 30694/15 and 30803/15, the ECtHR held that Article 5 § 1 had been violated as regards the lawfulness of the initial detention and the absence of reasonable suspicion of an offence. Thus, the case that international bodies had recorded as a matter of concern in 2015 subsequently led to a judicial finding of a violation of specific detention safeguards. The judgment shows that the procedural contestability of judicial decisions

and the existence of reasonable suspicion that the judges committed an offence are not the same question. Each applicant was awarded EUR 5,000 in respect of non-pecuniary damage. This finding does not mean that all complaints were upheld or that the subsequent criminal proceedings were extinguished in their entirety. Source: K99.

Links between cases: Nilgün Güldalı, whose duties were changed after she voted for release, and prosecutor Hasan Can, who submitted an opinion at the objection stage, are addressed in separate records illustrating the effects of this case on other judicial officers.

015 Successive transfers of Cemil Gedikli

Dates: 2014–2015. Locations: İstanbul, Erzurum and Kastamonu.

HRD stated that Judge Cemil Gedikli, who ordered detention in the 17 December investigation, was appointed first to Erzurum and then to Kastamonu within approximately eighteen months. The report alleged that these transfers were involuntary. The source did not identify the individual dates or decision numbers.

Assessment: Repeated transfers at short intervals may exert indirect pressure by affecting a judge's professional and family life. Repeated transfer is not, however, conclusive proof of a political motive in itself. The case is retained as an identified record requiring examination from the perspective of security of tenure.

Documentation: HRD contemporaneous account. Source: K01, § 44, PDF p. 10. No judicial finding that the transfers were punitive is asserted.

016 Transfers of Altar Gökçimen and Ersin Öğütalan following the Cerattepe decision

Dates: Annulment of the EIA approval in 2014; principal appointment decree of 2015; account made public in February 2016.

In 2014, the Rize Administrative Court annulled the first favourable EIA decision for the Cerattepe mining project. A contemporaneous news report originating from Radikal stated that, under the principal appointment decree of 2015, President Altar Gökçimen was appointed as a member of the Samsun Administrative Court and member Ersin Öğütalan as a member of the Konya Tax Court. Separate judicial proceedings concerning a new EIA approval were ongoing during the same period.

The contemporaneous news report links the transfers to the principal appointment decree of 2015. Accordingly, the date of 28 February 2016 appearing in HRD has not been used as the transfer date. Although the introduction to the news report refers to three judges, this record is based on the two individuals whose changes of duties are specifically described.

The judicial independence issue concerns the replacement of the panel that ruled against the administration and the president's reassignment as a member of a court elsewhere. The source describes this as a demotion. The available record shows the timing of the transfer in relation to the decision; it is not a judicial examination of all the reasons for the measure.

Documentation: HRD § 49; MİMDAP's republication of the Radikal report, 29 February 2016. Sources: K01, K137.

017 Reliance on the National Security Policy Document in detention reasoning

Dates and files: 23 June 2015; miscellaneous application no. 2015/1291 of 7 September 2015; no. 2015/2983 of 8 September 2015.

HRD reported that the İstanbul Fifth Criminal Judgeship of Peace relied on the National Security Policy Document in its decision of 23 June, and that the September decisions of the İstanbul Anadolu Ninth and Third Criminal Judgeships of Peace likewise referred to an MGK recommendation and the Council of Ministers' characterisation. The source presented these decisions as examples of the executive's security classification being carried into criminal adjudication.

Assessment: The issue is whether the executive's security assessment of an organisation was used in place of evidence of an individual offence. Criminal responsibility must be determined by reference to the individual's acts and the statutory elements of the offence. An administrative assessment cannot replace a court's examination of those elements.

As the three decisions are examples of the same alleged practice, they are included in a single thematic case. Since the complete case files have not been examined, these references alone are not treated as establishing that the detention orders lacked all grounds. The decision numbers reported by HRD have been retained to allow direct comparison with the documents in future.

Documentation: HRD § 53, PDF p. 11. Source: K01.

018 Removal of Hülya Tıraş's criminal judgeship-of-peace powers following a release order

Dates and location: 14–28 July 2015; Ankara.

According to HRD, on 14 July 2015 Judge Hülya Tıraş ordered the release of 25 suspects who had been detained for 110 days. Approximately two weeks later, she was removed from her criminal judgeship-of-peace duties. This is a separate sequence of measures from those affecting the Ankara judges whose duties had been changed in March; it is presented separately to avoid merging it with the general account concerning Ankara.

The number of persons released, the length of their detention and the reported change of duties shortly afterwards are central to this record. HRD identifies the court as the Seventh Criminal Judgeship of Peace, whereas some contemporaneous news reports refer to the Sixth. As this discrepancy could not be resolved, the judgeship's number is omitted from the heading.

An objection by the prosecution or other interested parties to a release order is part of judicial review. Removing the deciding judge's authority through an administrative measure is a different matter. Before considering whether the release order was upheld on review, this case examines how the judge's security of tenure operated after she delivered that decision.

Documentation: HRD § 39, PDF p. 9. Source: K01.

019 Changes to the duties of Yaşar Sezikli and Ramazan Kanmaz

Date and location: Around 23 July 2015; Ankara criminal judgeships of peace.

HRD reported that Yaşar Sezikli and Ramazan Kanmaz were removed from their duties in the context of the same investigation in which release had been ordered. Together with the changes affecting Orhan Yalmanlı, Hasan Çavaş and Seyhan Aksar, this record illustrates the scope of the measures in Ankara.

The source links 23 July to the removal measures but does not separately identify the date of each release order. A precise day-by-day chronology of the release orders and personnel changes therefore could not be established. The common feature of the account is the subsequent removal of criminal judgeship-of-peace powers from several judges who had ruled in favour of liberty.

The two judges involved in the same case are considered in one record. Each judge's preferences, professional seniority and new duty station depend on separate administrative documents. The conclusion supported by the available material is that HRD recorded a pattern of changes of duties identifying individuals and dates.

Documentation: HRD § 39, PDF p. 9. Source: K01.

020 Changes to the duties of judges who ruled in the bugging-device case

Date: July 2015. **Location:** Ankara Seventh Assize Court.

HRD reported that Judges İsmail Bulun and Numan Kılınç, who delivered acquittals in proceedings concerning the alleged discovery of a listening device in the then Prime Minister's office, were removed from their duties on 25 July. The source also recorded the assignment to another court of Fatma Ekinci, who had ordered Hasan Palaz's release. These measures concerned different decisions and judicial officers in connection with the same case.

Assessment: The relationship between an acquittal or release order and a change of duties shortly afterwards raises the question whether a sanction was imposed because of the substance of the decision. A conclusive answer requires the appointment decree, the standing assignment decision and the individual reasons. Causation between political statements and an investigation is not presented here as a final judicial finding.

Documentation: HRD contemporaneous account. Source: K01, § 38, PDF p. 9.

021 Reassignment of Nilgün Güldalı after she voted for release

Dates: 24–25 July 2015. Location: Bakırköy Second Assize Court.

According to HRD, panel member Nilgün Güldalı voted for the release of detained judges Metin Özçelik and Mustafa Başer during a review of their detention. She was assigned to a labour court the following day. This record concerns an allegation that the professional position of a judge was affected after she voted against the majority.

Assessment: Freedom to dissent is an element of individual judicial independence in collegiate courts. If the allegation is accurate, a change of duties following a single vote may also have a chilling effect on other members. The source shows the proximity of the events; it does not provide a judgment conclusively establishing the motive for the reassignment.

Documentation: HRD contemporaneous account. Source: K01, § 40, PDF p. 9.

022 Osman Doğan’s decision concerning eighteen police officers and the change to his duties

Date and location: HRD’s account of criminal judgeship-of-peace practices in 2015; Ankara.

HRD identifies Osman Doğan as the judge who released eighteen persons brought before him with a request for detention in an investigation into unlawful interception involving former intelligence police officers. The source reports that he was removed from his duties following that decision. As the exact date of the appointment decree was not disclosed, the case is placed within the 2015 period.

This allegation concerns a change of duties following the refusal of an initial detention request, rather than the release of a person already in detention. It is the judge’s duty to assess the conditions for detention independently. Automatic approval of such requests would deprive judicial review of restrictions on liberty of its function.

HRD’s account identifies the individual and the number of persons released, but does not include the defence submitted in relation to the personnel measure or the Council’s reasons. What is identified here is therefore a specific connection between measures that requires investigation. No separate conclusion is drawn about the judge’s entire professional history or the innocence of the suspects in the investigation.

Documentation: HRD § 39, PDF p. 9. Source: K01.

023 Prosecutor Hasan Can’s opinion in the Başer and Özçelik case

Date and locations: 2015; Bakırköy and Elazığ.

According to a contemporaneous news report, prosecutor Hasan Can submitted an opinion on the objection to the detention order against Metin Özçelik and Mustafa Başer. The opinion submitted to the Bakırköy Seventh Assize Court questioned the subject-matter and territorial jurisdiction of the Bakırköy Second Assize Court, which had ordered detention. The report stated that Can was subsequently appointed to Elazığ.

This record concerns the professional position of a prosecutor who expressed an opinion at the review stage. Whether the court accepts the prosecutor's opinion and whether the prosecutor can formulate that opinion free from pressure are separate questions. The news report's description of the decision as having been made "without jurisdiction" is not used as a final judicial finding at that time.

The ECtHR's finding in 2022 of a violation in relation to the detention of Başer and Özçelik does not, in itself, establish the purpose of Hasan Can's transfer. Nevertheless, the connection between the two cases makes it possible to monitor the effects of the same judicial measure both on those who delivered the decisions and on the prosecutor who considered the objection.

Documentation: Contemporaneous news report; the punitive purpose of the transfer is an allegation in that report. Sources: K130; K99 for the related judgment.

024 Police requests for information concerning judges who ordered release

Dates: Letter of 6 October 2015; changes of posting on 15 October 2015.

HRD reported that, in a letter headed "Activities of the Parallel State Structure", the General Directorate of Security requested documents from provincial intelligence units concerning judges and courts that had released detainees on objection in the relevant investigations. The report stated that the subsequent decree of 15 October changed the postings of 156 judges and prosecutors.

The record distinguishes two different matters. The first is the allegation that the police monitored judges according to the outcome of their decisions. The second is the appointment decree published afterwards. It has not been established that all 156 appointments resulted from that letter. Such a conclusion would require matching the individuals named in the letter with those on the decree's list.

The central judicial independence issue is whether the police conducting an investigation subjected judges who rejected their requests to administrative assessment. The alleged document is therefore treated separately from ordinary appointment statistics. The original letter and the annexed list of names could not be obtained directly in this research.

Documentation: HRD § 62, PDF p. 13. Source: K01.

025 Osman Burhanettin Toprak's assignment to Konya after accepting an indictment

Date and locations: October 2015; Bakırköy Second Criminal Court of First Instance and Konya.

HRD reported that Judge Osman Burhanettin Toprak was appointed to Konya before completing his term after accepting an indictment alleging that certain newspaper reports constituted false accusations. Since the day and year are corrupted in the scanned source text, this record uses October 2015 rather than asserting a precise date.

Acceptance of an indictment is not a conviction of the defendants. At that stage, the court assesses the conditions required for criminal proceedings to commence. It would

therefore be incorrect to describe this case as a transfer “for convicting journalists”. The allegation of interference concerns the procedural decision initiating the trial.

The Toprak case shows that procedural decisions, including acceptance of an indictment, may also give rise to allegations of career pressure. The relevant reports and individuals, the trial’s case number and the official grounds for the transfer are not sufficiently specified in the source and have therefore not been added to the report.

Documentation: HRD § 45, PDF p. 10. Source: K01.

026 Appointment of trustees to Koza İpek companies and repeated reasoning

Dates and courts: 26 October 2015, Ankara Fifth Criminal Judgeship of Peace; 11 February 2016, İstanbul Anadolu First Criminal Judgeship of Peace.

HRD reported that, when trustees were appointed to eighteen companies in the Koza İpek group, a trusteeship measure limited to supervision was considered insufficient to prevent offences and collect evidence. The report stated that the same passage of reasoning was repeated several months later in another decision by a criminal judgeship of peace.

A measure replacing company management has direct consequences for property and publishing activities while an investigation is ongoing. The necessity of such a measure must be explained in relation to each company and case. Applying common legal criteria is normal; repeating the same reasoning without applying it to the facts of different cases raises questions about whether an individual examination was conducted.

Textual similarity does not, in itself, prove that a decision was dictated from outside the court. HRD’s stronger inference to that effect has not been adopted here as a judicially established fact. The specific record consists of two judgeships, two dates and similar reasoning. The full process of seizure and confiscation concerning the companies is a separate subject of research beyond this limited record.

Documentation: HRD § 54, PDF pp. 11–12. Source: K01.

027 Ministry of the Interior request for measures against administrative judges

Date: Alleged letter of 20 November 2015; subsequent HSYK measures.

HRD reported that the Ministry of the Interior requested action against judges in 78 administrative courts that had ruled against it; that the Third Chamber of the HSYK initiated a preliminary examination; and that the promotions of twelve judges who were due for promotion were suspended. The same section also described similar requests from the provincial governorships of Diyarbakır, Sakarya and Siirt.

The figures refer to different units: 78 is the number of courts given in the source, whereas twelve is the number of judges whose promotions were allegedly suspended. They do not support a conclusion that “78 judges were dismissed” or that there were “78 separate established violations”. The matter has therefore been retained as a single case of alleged administrative interference.

An administrative authority's use of appellate remedies in proceedings to which it is a party is different from its requesting career measures against the judge who delivered the decision. The specific allegation is that a party to a dispute exerted administrative pressure on the judge independently of judicial review. As the original letter, the list of 78 courts and the twelve individual promotion files were unavailable, the evidential status of the account has been made explicit.

Documentation: HRD § 61, PDF pp. 12–13. Source: K01.

028 Reassignment of Mustafa Çolaker following his decision concerning a broadcasting platform

Date: 7 December 2015. Location: Mersin First Consumer Court.

Judge Mustafa Çolaker ruled in favour of television channels in proceedings brought after their removal from the Digiturk broadcasting platform. HRD recorded that he was subsequently assigned to Çorum and made the subject of a preliminary examination. The case shows how a politically contested issue also arose in a consumer-court dispute.

Assessment: Pressure on judges is not confined to criminal courts. The political consequences of a decision in a commercial or consumer dispute may also create a risk of professional measures. The connection described here rests on the sequence reported by HRD; the final outcome of the reassignment and examination has not been verified.

Documentation: HRD contemporaneous account. Source: K01, § 46, PDF p. 10 and the relevant footnote.

029 Detention of Can Dünder and Erdem Gül and constitutional review

Date and application: 25 February 2016; Constitutional Court application no. 2015/18567.

Can Dünder and Erdem Gül were detained in an investigation concerning their reporting on the MİT lorries. The Constitutional Court examined whether the requirements of strong indications of an offence and necessity for detention had been substantiated. The time between publication and detention, and the failure to identify new evidence obtained during that interval, were significant to its assessment. The Court held that the rights to liberty and security and to freedom of expression and of the press had been violated.

This case differs from the non-implementation problem in the subsequent Şahin Alpay and Mehmet Hasan Altan cases: Dünder and Gül were released following the judgment finding violations. By retaining that outcome, the report also presents an example in which constitutional review was effective.

28 February 2016 — political statement: Following the Constitutional Court's judgment, Erdoğan said that he would “neither comply with nor respect its decision” and characterised the case as espionage. The statement came after Dünder and Gül had been released. It therefore cannot be said to have prevented their release in this case. Nevertheless, the express rejection of a binding constitutional judgment by the head of

the executive is a concrete indicator of political pressure to be compared with subsequent non-implementation cases. [K177]

The connection with judicial independence lies in genuine scrutiny of the evidence and necessity underlying detention imposed in response to journalism in the public interest. The judgment is not treated as an acquittal disposing in advance of all criminal allegations concerning the reporting. This is a separate journalists' case from the professional and criminal measures affecting the prosecutors who conducted the MIT lorries investigation.

Documentation: Official Constitutional Court announcement of the judgment. Source: K132.

030 Targeting of Ayşe Özel on social media and the alleged preliminary examination

Date and location: Around 4 April 2016; Şırnak.

HRD reported that Judge Ayşe Özel was targeted on social media using her name and personnel registration details; that a post by Fatih Tezcan called for action against her; and that an HSYK examination was subsequently raised. The case is recorded as an instance in which political and media pressure concerning a particular judicial decision was directed at an identified judicial officer.

Judges' decisions are not immune from public criticism. However, targeting a person using professional identification details and demanding administrative sanctions may create a form of pressure distinct from legal criticism of a decision. The legal basis of any Council examination and the specific conduct to which it relates are also significant.

As no final disciplinary decision or final judgment finding a violation is available for this record, it does not state that the judge was "punished". A social media post, a preliminary examination and a sanction are different stages. The first two stages reported by the source have been retained; the third has not been presumed.

Documentation: HRD § 70, PDF p. 15. Source: K01.

031 Appointments of Murat Aydın and Gülay Aydın to Trabzon

Date: 6 June 2016. Locations: Karşıyaka and Trabzon.

HRD recorded that Judge Murat Aydın, Vice-President of YARSAV, and Judge Gülay Aydın were appointed to Trabzon before completing their terms. International assessments of the same period identified involuntary transfers and the operating environment of professional organisations as major concerns. Concerns expressed in general reports do not, however, establish a conclusive finding about the motive for this individual transfer.

Assessment: The relationship between the critical activities of judges serving in professional organisations and career measures warrants particular examination. Without seeing the individuals' posting preferences and the full reasons for the measure, this report does not assert that the appointments were made solely because of their organisational activities.

Documentation: HRD contemporaneous account. Source: K01, § 34, PDF p. 8. The general assessment of the period may be compared with K85.

032 Mass suspension of judicial officers following the attempted coup

Date: 16 July 2016 and the ensuing state-of-emergency period.

Immediately after the attempted coup, suspension, police custody and pre-trial detention measures were initiated against large numbers of judges and prosecutors. Decree-Law no. 667, published on 23 July, introduced a legal framework for removing judicial officers deemed unsuitable to remain in the profession. The Venice Commission examined the large-scale nature of the measures and the safeguards for individual defence and review.

Assessment: The obligation to investigate those involved in the coup requires the evidence and responsibility of each individual to be established separately. The numbers of persons suspended, dismissed, detained and convicted are different. This record does not produce an unverified aggregate figure. The Altan, Baş and Turan cases below show judicially examined consequences of that collective process for specific individuals.

Documentation: Official legislation and international legal analysis. Sources: K48; K62; K22–K23.

Use of judicial decisions and dissenting opinions in dismissal assessments

3 April 2017 — HSYK General Assembly, decision no. 2017/665: The Council's official announcement, published on 4 April, explained the dismissal of 45 judges and prosecutors and listed the materials submitted for assessment. These included judicial measures and decisions in cases regarded as linked to the organisation, as well as certain HSYK disciplinary decisions and the dissenting opinions attached to them. The use of judicial views in personnel assessments is therefore not merely a press allegation; it appears in the Council's own text. [K148]

The official announcement's reference to dissenting opinions concerns HSYK disciplinary proceedings. The document does not show that dissenting opinions in all administrative courts were monitored or that everyone listed was dismissed solely for writing a dissent. Nevertheless, considering decisions and dissents in dismissal assessments without explaining, for each individual, their connection to specific organisational conduct raises a serious concern about safeguards for the free expression of legal opinion. [K148]

Mehmet Yılmaz's statement and verification of attribution: Mehmet Yılmaz, who discussed preparation of the post-coup list in an interview, was President of the Second Chamber of the HSYK; identifying him as Secretary General is incorrect. In T24's reproduction of Elif Çakır's interview, he explained that the suspension list was based

on disciplinary work from previous years. Asked whether judges linked to the organisation were still serving, he replied, “We are following the process closely.” The available text does not contain the sentence “We are monitoring the dissenting opinions.” The two statements have not been substituted for each other. [K149]

Documentary limitation concerning the administrative judiciary: The full text, date and speaker of the attributed statement concerning the monitoring of administrative judges’ dissenting opinions could not be verified from the available sources. Verified decision no. 2017/665 has been assessed within its own scope. In an individual case, the date and content of the dissent, the subsequent personnel measure and the reasons for that measure must be examined together.

The Council’s stated understanding of its role: On 17 January 2018, Mehmet Yılmaz stated that the HSK was not the judiciary’s superior and that its functions concerned appointments, promotions and discipline. This statement reflects the Council’s official position. The central issue for the review is the consistency between that understanding of its role and the specific cases of judges subjected to measures because of their decisions. [K150]

033 Detention of Constitutional Court member Alparslan Altan

Date: July 2016; ECtHR judgment of 16 April 2019. Application no. 12778/17.

Alparslan Altan, a member of the Constitutional Court, was taken into police custody and remanded in custody following the attempted coup. The ECtHR examined the lawfulness of his detention and the existence of reasonable suspicion at the time of his initial deprivation of liberty. It found violations concerning the circumvention of special procedural safeguards through an expansive interpretation of *in flagrante delicto* and the evidential basis at the time of detention.

Assessment: Special procedures applicable to judicial officers serve primarily to protect the judicial function from external pressure, rather than to confer personal privilege. Even in an emergency, there are limits to neutralising those procedures through a subsequently expanded interpretation of *in flagrante delicto*. The ECtHR’s finding concerning detention cannot be read as an acquittal addressing every element of the subsequent criminal proceedings.

Documentation: Judicial finding under Article 5 ECHR. Source: K62, Alparslan Altan v. Turkey.

034 Termination of the terms of office of members of the Court of Cassation and the Council of State

Date: Law no. 6723, published on 23 July 2016.

The law introduced extensive termination of, and reselection for, membership of the supreme courts. HRD considered the measure in terms of security of tenure in the higher judiciary. In subsequent years, the ECtHR examined access to a court for judicial officers whose terms had ended in *Tosun and Others* and *Kaya and Others*.

Assessment: The power to reorganise courts cannot be exercised so as to extinguish security of tenure and the right to an effective challenge. The reselection of some judges does not replace independent review of the dispute arising from the measure for those not reselected. The relevant 2025 and 2026 judgments appear below as separate records.

Documentation: Statutory measure and subsequent judicial review. Sources: K01, §§ 133–134; K58–K59.

2017 and 2018

035 Release of İdris Baluken and the change to Cem Bozlaş's duties

Dates and location: 30 January–21 February 2017; Diyarbakır Eighth Assize Court.

On 30 January 2017, the court ordered the release of detained member of parliament İdris Baluken. HRD reported that the court's president, Cem Bozlaş, was subsequently appointed as a judge in Ankara and that Baluken was detained again on 21 February. The release proceedings concerning a politician and the change to the deciding president's duties thus appear in the same chronology.

The record contains three separate measures: release, the president's transfer and renewed detention. Each must be examined by reference to its own decision and reasons. Bozlaş's appointment to Ankara was not merely a geographical change, since it also ended his position as court president.

The judicial independence question is whether a panel that ruled in favour of liberty in a politically sensitive case was protected. Causation between political statements and an investigation is not presented as a final judicial finding, since the official reasons for the transfer and the personnel file have not been examined. Nor can the entirety of Baluken's subsequent criminal proceedings be inferred from this transfer record.

Documentation: HRD § 76, PDF pp. 16–17. Source: K01.

036 Suspension of Fatih Mehmet Aksoy during a hearing

Date: February 2017; subsequent developments in December 2017 and January 2018.
Location: Kırşehir.

Judge Fatih Mehmet Aksoy was suspended on the allegation that he had used ByLock. HRD alleged that news of his suspension arrived during a hearing and that a prosecutor had previously threatened him. Contemporaneous news reports stated that Aksoy was subsequently regarded as one of the persons redirected to ByLock servers without their knowledge or consent. A report published in January 2018 stated that the suspension orders against seven judicial officers, including Aksoy, had been lifted.

Assessment: Misattributing technical data to a person or treating it as evidence of intentional use may seriously affect a judge's professional position. The reinstatement information and HRD's account of threats are not verified to the same degree. The threat allegation has not been adopted here as an established fact; the suspension and subsequent corrective process are presented separately.

Documentation: HRD and contemporaneous news reports. Sources: K01, § 77; K88–K89. No additional assumption is made about the individual's current detention or professional status.

037 Detention and release of Deniz Yücel

Dates: February 2017–16 February 2018; ECtHR judgment of 25 January 2022. Application no. 27684/17.

HRD discussed journalist Deniz Yücel's detention and release alongside senior political statements and diplomatic meetings. The subsequent ECtHR judgment assessed the detention in relation to reasonable suspicion, the right to compensation and freedom of expression. The Court's official summary reported violations of Article 5 § 1, Article 5 § 5 and Article 10 ECHR.

Assessment: The temporal relationship between diplomatic contacts and release is not, in itself, conclusive evidence that the court received direct instructions. The ECtHR did, however, establish defects in the legal basis for detention. This record distinguishes the account of the political context from the violations determined by the Court.

Documentation: Judicial finding and contemporaneous context. Sources: K93, official judgment summary; K01, §§ 100–103.

038 Release of Avni Angun and changes to the panel chaired by Vedat Koç

Date and location: Hearing recorded by HRD as taking place on 18 March 2017; assize proceedings in Malatya.

HRD reported that court president Vedat Koç was removed from the presidency after the court ordered Colonel Avni Angun's release and decided to hear Chief of the General Staff Hulusi Akar and certain senior commanders. It stated that the panel formed under the new president ordered renewed detention and that the trial prosecutor was also replaced.

The distinctive feature of the case is not confined to release. The decision to hear senior officials in order to establish the facts also formed part of the same sequence. The change in the panel was capable of affecting judicial discretion concerning which evidence should be collected.

HRD's assessment that the renewed detention was procedurally unlawful does not stand in place of a judgment in this report. The procedural issues cannot be conclusively resolved without examining the release order, the decision on the objection and the new panel's reasoning together.

Documentation: HRD § 87, PDF p. 19. Source: K01.

039 Suspension of the İstanbul Twenty-Fifth Assize Court panel following a release order

Dates: 31 March–6 April 2017. Individuals concerned: İbrahim Lorasdağı, Barış Cömert, Necla Yeşilyurt Gülbiçim and prosecutor Göksel Turan.

The court ordered the release of 21 detained defendants in the media-structure trial. Release did not occur in practice because of objections and new investigative measures. On 3 April, the HSYK suspended the panel members and the trial prosecutor. Deputy President Mehmet Yılmaz stated that the allegations concerned unlawful release orders made for improper purposes, and that a precautionary measure had been imposed pending completion of the investigation on the basis of the inspectors' preliminary report.

Assessment: The measure is not merely an allegation in a critical report; it is confirmed by an HSYK statement. The issue concerns the boundary between judicial assessment in a release decision and disciplinary liability. Suspension cannot be described as a final disciplinary sanction or a criminal conviction. Nevertheless, its imposition immediately after the decision was capable of exerting pressure on other judges considering release.

Documentation: Measure confirmed by an official statement. Sources: K90, 3 April; K91, 6 April 2017; K01, §§ 78–85.

040 Kilis police request for the reasons underlying release orders

Date and document: 1 April 2017; record described as letter no. 23828302-67876-22105/2017/2547744.

HRD reported that a letter sent by the Kilis Police Directorate requested that the reasons for release orders in certain investigations be transmitted to the General Directorate of Security. This is an allegation concerning a separate document from the October 2015 letter described as collecting information on judges and courts.

Transmission of judicial decisions to the parties and enforcement authorities is part of ordinary procedure. The issue examined here is whether the police's separate collection of release decisions served to assess or exert pressure on the judges who delivered them. Without seeing the document's context, it cannot be asserted that all such requests for information are unlawful.

The letter number has been retained to provide a verifiable research trail. However, as the signed original and annexes were not obtained in this research, the account of a local letter has not been generalised into an established nationwide instruction. This distinction is necessary for discussing the relationship between the police and the judiciary on the basis of specific documentation.

Documentation: HRD § 96, PDF p. 21. Source: K01.

041 Replacement of members of the Antalya Second Assize Court

Dates: 17 and 30 March; 5–6 April 2017.

HRD reported that, following release orders by the Antalya Second Assize Court in March, President Yücel Dağdelen was appointed to Manisa and member Saim Karakaya

to Siirt. It also recorded that the other members, Ayşegül Yıldız Kaya and Ali Emre Sula, were assigned to different courts within Antalya on 6 April. According to the source, the court ordered the release of twenty defendants on 17 March and eight on 30 March. The members affected by the panel changes and the dates of the decisions are thus separately identifiable. The report cited the HSYK appointment decree of 5 April 2017.

Assessment: The replacement of several panel members within a short period affects the conditions in which a case is heard. The proximity of release decisions and personnel measures is significant, but the reason for a measure cannot be established conclusively without the complete appointment file. HRD's assessment that subsequent detention decisions were unlawful has not been presented as a separate judicial ruling.

Documentation: HRD contemporaneous account citing an appointment decree. Source: K01, § 86, PDF pp. 18–19.

042 Replacement of two court members following the release of İsmail Gürgen

Date and location: 14 April 2017; Çanakkale Second Assize Court.

HRD reported that Brigadier General İsmail Gürgen's release was ordered by a majority at the second hearing of his trial, but that he was detained again that night without actually being released. It stated that the two members who voted for release were removed from the court and assigned elsewhere, and that the proceedings continued with new members and ended in a sentence of life imprisonment.

Gürgen's reported leave of absence during the attempted coup and his orders to his unit are matters advanced by the defence in HRD's account of the case. This report does not treat them, on their own, as grounds for acquittal. The central judicial independence issue is the replacement of the members who formed the majority in favour of release and the continuation of the same defendant's trial before a different panel.

The names of the two members and the HSK measure numbers were unavailable and have not been added. HRD's information concerning appeal and detention as at January 2019 has not been presented as the current position in 2026. The case is recorded as a dated allegation of interference with the composition of a court.

Documentation: HRD § 90, PDF pp. 19–20. Source: K01.

043 Failure to release Ayşenur Parıldak and replacement of the court president

Initial proceedings: 2 and 8 May 2017, Ankara Fourteenth Assize Court. Subsequent judicial review: ECtHR judgment of 19 March 2024.

HRD recorded that journalist Ayşenur Parıldak's release was ordered on 2 May, but that a new detention measure was taken before she was actually released. According to the same account, court president İsmail Ademoğlu was appointed as a member of another court on 8 May. The record is significant both for personal liberty and for continuity of the deciding panel.

Assessment: The release order becoming ineffective on the same day and the subsequent change of president are separate measures requiring separate documentation. In this case, the legal basis for renewed detention and the reasons for the change of duties have not been verified against the full file. The sequence reported by the source is therefore presented without concluding that the judge was “punished solely for ordering release”.

Documentation: HRD contemporaneous account. Source: K01, § 88, PDF p. 19.

Subsequent development — ECtHR judgment of 19 March 2024

ECtHR outcome of 19 March 2024: In *Parıldak v. Türkiye*, application no. 66375/17, the Court held that the rights under Article 5 § 1 (c) had been violated because there was no reasonable suspicion justifying the initial detention, under Article 5 § 3 in relation to continued detention, and under Article 10 in relation to freedom of expression. It found no violation of Article 5 § 4 in respect of the Constitutional Court’s review, which lasted approximately seven months. The judgment awarded EUR 16,000 in respect of non-pecuniary damage and EUR 6,000 for costs and expenses. This outcome judicially documents the interference with the journalist’s liberty; the same judgment did not separately establish that the court president’s transfer had a punitive purpose. Source: K100.

044 Transfer of Mustafa Karadağ from Ankara to Şanlıurfa

Date and measure: 26 May 2017, HSYK decision no. 790.

Mustafa Karadağ, President of the Judges’ Union, was transferred from a judgeship in Ankara to a judgeship in Şanlıurfa. The second entry in the published annex to the decision gives his name, personnel registration number and former and new posts. The change of duties can therefore be verified by a list identifying the individual concerned, rather than solely by an assessment article.

The case is significant for the professional safeguards of a representative of a professional organisation who made public statements about judicial independence. The appointment list is not, however, a reasoned disciplinary decision; it does not, by itself, identify which statement prompted the measure. This report therefore distinguishes the fact of the transfer from the allegation of a punitive purpose.

Karadağ’s subsequent work as counsel in other judicial officers’ disciplinary cases is reflected particularly in the Taner Temür record. The professional connection between the two cases has not been used to merge the rights of, and measures concerning, separate individuals. This record concerns only Karadağ’s change of posting in 2017.

Documentation: Publicly available copy of the annex to the HSYK decision, PDF p. 1, entry 2. Source: K111.

045 Continued detention of Şahin Alpay despite the Constitutional Court's judgment

Dates: 11 January–March 2018. Subsequent ECtHR judgment: 20 March 2018, application no. 16538/17.

The Constitutional Court found violations of rights in relation to Şahin Alpay's detention. The lower courts initially failed to give effect to that judgment. The ECtHR found violations of the rights to liberty and freedom of expression in Alpay's case and addressed the binding force of the Constitutional Court's judgment and the lower courts' response to it.

Assessment: Constitutional review cannot protect an individual merely by producing a judgment if that judgment is deprived of effect. This case is an early example of the non-implementation problem subsequently seen in the Berberoğlu, Atalay and Kahraman proceedings. Resistance to a Constitutional Court judgment cannot be treated as an ordinary difference of interpretation; it concerns the effectiveness of the constitutional complaint mechanism.

Documentation: Judicial finding. Source: K92, Şahin Alpay v. Turkey. This record has not been merged with the separate cases of Ahmet Altan or Mehmet Altan.

046 Alleged consultation with the HSK before release in a terrorism-investigations booklet

Dates: 27 February–5 March 2018.

HRD recorded parliamentary discussion of an "Information Booklet on Terrorism Investigations" attributed to the Ministry of Justice's Directorate General for Criminal Affairs. The then leader of the CHP alleged that the booklet required a position on release to be formed only after consultation with the HSK. HRD also reported a statement by the President of the Court of Cassation based on his meeting with the HSK Deputy President; that statement said the arrangement was intended as a safeguard for judges and prosecutors on trial.

This record does not prove that permission was actually obtained for any particular release decision. The specific allegation concerns the existence of a text envisaging consultation with an administrative council before a decision is made. Making judicial discretion conditional on administrative consultation has consequences different from those of general training or information on legislation.

As a complete and authenticated copy of the booklet was unavailable, the text reported by HRD and the response to it are presented together. Without completing that documentary record, no figure has been given for the number of courts that applied the alleged instruction.

Documentation: HRD § 178, PDF pp. 48–49. Source: K01.

047 Political statement on punishment before judgment in the 28 February trial

Date and location: 28 February 2018; the 28 February proceedings in Ankara.

HRD recorded that, before the hearings at which judgment was to be delivered, then Prime Minister Binali Yıldırım stated that the defendants would receive the severest punishment. The same account noted that the prosecution had requested aggravated life sentences for numerous defendants. The specific allegation of interference included here is a categorical statement by the head of the executive about the outcome of ongoing proceedings.

It has not separately been established that the public statement actually changed the court's decision. Nevertheless, announcing guilt and punishment before judgment may be examined in terms of the presumption of innocence and protection of judges from external pressure. The statement's effect in that respect is distinct from the legal determination of the defendants' acts.

The case is included to record a dated political statement made during the reporting period and directed at ongoing proceedings, rather than to recount the entire history of the events of 1997.

Documentation: HRD § 180, PDF p. 50. Source: K01.

048 Continued detention of Mehmet Hasan Altan despite the Constitutional Court's judgment

Dates and application: Constitutional Court judgment of 11 January 2018; ECtHR judgment of 20 March 2018, application no. 13237/17.

The Constitutional Court found violations in relation to Mehmet Hasan Altan's detention. The lower courts nevertheless refused his application for release. Alongside the absence of reasonable suspicion and the interference with freedom of expression, the ECtHR examined the continuation of detention despite the Constitutional Court's judgment. This sequence resembles the Şahin Alpay case but concerns a different applicant.

A lower court's neutralisation of constitutional review cannot be viewed merely as a difference of legal opinion between judges. Protection through an individual application depends on a judgment finding a violation producing effects in the specific case. The ECtHR's finding is therefore significant not only for the grounds of detention but also for the effectiveness of domestic review.

The judgment found violations of Article 5 § 1 and Article 10 ECHR. The examination concerned the initial detention and the relevant period of custody; it did not dispose of all subsequent stages of Altan's proceedings in a single ruling. The report confines the non-implementation issue to this specific chronology and sequence of decisions.

Documentation: ECtHR judgment, particularly the effect of the constitutional judgment and the operative provisions. Source: K133.

049 Failure to release Leyla Güven after her election to Parliament

Dates and locations: 29 June 2018; hearing of 26 December 2018; Diyarbakır Ninth and Tenth Assize Courts.

The Diyarbakır Ninth Assize Court ordered the release of Leyla Güven, who had been elected to Parliament in the 24 June elections. According to HRD, the order made at 11 a.m. on 29 June was rendered ineffective approximately five hours later when the other assize court ordered renewed detention on the prosecution's objection. Güven was not actually released.

The same source reported that, at the hearing on 26 December, counsel observed that the president of the court that had ordered release had been replaced. The date of that change has not been equated with the hearing date: 26 December is the date on which counsel reportedly became aware of it.

This case brings together the effect of election to Parliament on detention, the practical implementation of a release order and the court president's professional safeguards. Since the source does not identify the president or the HSK measure, this part could not be completed as a transfer record identifying the judge concerned. The causal connection between release and the change of duties is the connection alleged by HRD.

Documentation: HRD § 89, PDF p. 19. Source: K01.

050 Release and renewed detention of ÇHD lawyers

Dates: 14–15 September 2018. Location: İstanbul Thirty-Seventh Assize Court.

HRD described a release order on 14 September in proceedings against lawyers associated with the Contemporary Lawyers' Association (ÇHD), followed shortly afterwards by a process of renewed detention. The case is included both for the criminal measures against persons practising as defence lawyers and for the practical effect of the release order.

Assessment: The legal basis for changing a decision in the same case, and whether new evidence existed, must be established. Identifying lawyers with their clients undermines the independence of the defence. This record does not, however, examine the charges against or subsequent judgment concerning each lawyer individually; it is confined to the documented release and renewed-detention stage.

Documentation: HRD contemporaneous account. Source: K01, § 109, PDF p. 26. No new, final ECtHR judgment is attributed to this record.

Details of the panel and measures: HRD § 109 reported that the İstanbul Thirty-Seventh Assize Court ordered the release of seventeen lawyers on 14 September 2018 and that President Kadir Alpay and member Serkan Baş were assigned to other courts on 20 September. These names identify the judicial officers replaced following the release order. The renewed detention of the lawyers and the changes to the panel's duties are separate measures; the existence of one does not, in itself, establish the reasons for the other.

051 The Andrew Brunson case: trial proceedings and the debate over political bargaining

Dates and location: 2017–12 October 2018; İzmir Second Assize Court.

Brunson's detention arose in discussions and exchanges of statements between Türkiye and the United States. HRD described a call for reciprocal extradition on 28 September 2017 and requests by US authorities for his release in 2018. On 12 October 2018, the court imposed a sentence of three years, one month and fifteen days' imprisonment and lifted the house-arrest and travel-ban measures. The sentence and the lifting of the measures are confirmed by Anadolu Agency's hearing report.

The judgment was not an acquittal. On the same day, HSK Deputy President Mehmet Yılmaz stated that outsiders should refrain from commenting on ongoing proceedings and that the court's decision should be trusted. The record therefore includes both statements giving rise to concerns about political influence and the official defence of judicial independence.

Diplomatic negotiations do not, in themselves, prove that instructions were given to a court. The specific issue is the treatment of deprivation of liberty in the language of interstate reciprocity and discussion of the outcome of proceedings in connection with political developments. HRD's account, which brought the dates of police custody and remand in custody close together, has not been repeated as a verified date of initial detention.

Documentation: HRD §§ 106–108; news report on the hearing and official statement. Sources: K01, K136.

052 Investigation of Fatih Portakal following a political statement

Dates: 10–15 December 2018 and the subsequent investigation.

In a television news broadcast, Fatih Portakal discussed the possibility of peaceful protest and people's fear of sanctions. HRD reported that, on 15 December, the President criticised his remarks and stated that the judiciary would respond, after which an investigation was opened against the journalist.

The content of the public remarks, the executive's reaction and the opening of the investigation are three separate stages. It would be incorrect to describe the opening of an investigation as a conviction or to attach all subsequent Portakal cases to this record. Only the 2018 broadcast and the response to it are monitored here.

The connection with judicial independence lies in the initiation of a criminal process immediately after political criticism and in the executive statement's indication of an anticipated outcome. Without access to the prosecution's full file, causation between the political statement and the investigation has not been adopted as an established finding of direct instruction. The final outcome of the proceedings could not be verified from this source and has not been added.

Documentation: HRD § 182, PDF p. 50. Source: K01.

053 Ayşe Sönmezler's complaint of pressure within the panel and the change to her duties

Dates and file: Hearing of 13 December 2018, case no. 2017/287; annex to HSK decision no. 1952 of 20 December 2018.

HRD reported that panel member Ayşe Sönmezler requested to withdraw from the case, stating that pressure from the court president had caused her concern about maintaining her impartiality. The source also described tension with the president after she wrote a dissent in favour of release. It reported that she was subsequently moved from membership of the Second Assize Court to another court.

Duty station: Page 9 of the annex to the HSK decision of 20 December 2018 identifies Kırklareli as the duty station of Ayşe Sönmezler, personnel registration no. 33939. The decision terminated her assignment to the Second Assize Court and assigned her to the First Assize Court. The Kırklareli entry in the official annex has been used in place of HRD's reference to Kırıkkale.

The HSK annex confirms the change of duties. The account of pressure at the hearing, however, derives from the hearing record and contemporaneous news report as reproduced by HRD. The two are not established with the same degree of certainty. The case illustrates that judicial independence must be protected not only against the executive but also within the relationship between a court president and a panel member.

Documentation: HRD § 93, PDF pp. 20–21; official HSK annex, PDF p. 9. Sources: K01, K131.

054 Measures against Metin Akpınar and Müjdat Gezen following a television programme

Dates: 22–24 December 2018; İstanbul Anadolu Chief Public Prosecutor's Office.

The day after Metin Akpınar's remarks on a television programme, the President stated that those remarks would be paid for before the courts. HRD reported that an investigation was opened against Akpınar and Müjdat Gezen on the same day and that police took them to the courthouse the following morning to give statements.

Apart from the debate over the limits of artistic or political expression, this case records the executive's public call for sanctions and the timing of the investigation. The full context of the artists' remarks and the legal elements of the alleged offence must be assessed in the criminal proceedings; this report does not replace a judgment of acquittal or conviction.

The specific judicial independence question is whether the investigating authority acted on its own assessment of the evidence and the law. The two persons named in connection with the same television programme and investigation are treated as a single case. The subsequent trial outcome has not been presented as updated on the basis of this source.

Documentation: HRD § 183, PDF p. 51. Source: K01.

055 Burhan Kuzu's telephone call to the judge concerning Zindaşti's release and allegations of pressure

Dates: Release in 2018; examination and statements in 2019–2020. **Location:** İstanbul Fifth Criminal Judgeship of Peace.

News reports based on statements by Judge Cevdet Özcan and other judicial officers during an HSK examination alleged that Burhan Kuzu, then a member of the Presidency's Legal Policies Board, intervened by telephone concerning the release of Naci Şerifi Zindaşti. The reported statements concerned contact from outside the judiciary regarding a suspect's detention. [K173]

In March 2020, Kuzu acknowledged calling the judge but denied exerting pressure, describing the conversation as an exchange of legal opinion. The existence of the telephone contact and whether it amounted to pressure therefore have different evidential statuses. [K174]

Assessment: Direct contact by a politically placed individual with the decision-maker on behalf of a particular detainee is a concrete example of a channel through which judicial discretion may be influenced. Other allegations against the judge must be examined separately; this record does not declare him a victim or free of responsibility in respect of all his actions. The reported statements have not been used in place of a final criminal judgment.

Documentation: Contemporaneous reports of statements given during an examination and the politician's own statement. **Sources:** K173, K174.

056 Civil damages and criminal proceedings following Özgür Özel's parliamentary speech

Dates: 18–26 December 2018.

Following Özgür Özel's speech in Parliament criticising Hulusi Akar, the President stated that a response would be made first through a damages claim and then through criminal proceedings. HRD reported that Akar brought a claim for TRY 500,000 in non-pecuniary damages on 26 December and that a criminal investigation was initiated.

Seeking judicial protection of one's reputation is not, in itself, a violation of judicial independence. The issue examined here is the executive's public announcement, on another person's behalf, of a sequence of judicial sanctions and the measures that followed. As a civil claim and a prosecutorial investigation are separate routes, they have not been described as a single criminal conviction.

The application of safeguards protecting a member of parliament's parliamentary speech may be assessed separately through the civil and criminal investigation files. The available source provides a dated sequence of statements and applications, but not the final outcomes. This record is intended to examine the relationship between political statements and judicial proceedings through a specific case.

Documentation: HRD § 181, PDF p. 50. **Source:** K01.

2019 and 2020

057 Conviction of YARSAV President Murat Arslan

Date: 18 January 2019. Earlier proceedings: detention in 2016.

YARSAV President Murat Arslan was sentenced to ten years' imprisonment for membership of an armed terrorist organisation. A joint statement by the European Association of Judges, the Association of European Administrative Judges, MEDEL and Judges for Judges criticised the proceedings and the assessment of evidence. The statement was published on 19 January 2019, the day after the conviction.

Assessment: The prosecution of the president of a professional organisation advocating judicial independence is particularly significant for freedom of association and critical expression. Criticism of fair-trial standards by professional organisations is not, however, an international court judgment in itself. The evidence in this record consists of the date and nature of the conviction and the statement by the organisations that observed it.

Documentation: Direct joint statement by professional organisations. Source: K94. No unverified conclusion concerning the enforcement of the sentence as at 10 October 2026 has been added.

058 Disciplinary and transfer proceedings against Aydın Başar over his reasoning for an acquittal

Dates and locations: Examination initiated in 2016; transfers in 2018–2019; Balıkesir, Zonguldak and Erzurum, with a Kars stage reported by HRD.

Judge Aydın Başar acquitted a person prosecuted for insulting the President over a poem shared on social media. According to a contemporaneous report, the reasoned judgment was examined following a complaint by the President's lawyers; the HSK imposed a disciplinary transfer and rejected the objection. The source reported differing votes among Council members in favour of dismissal, transfer and reprimand.

This case involves an allegation of a professional sanction beyond an ordinary posting decision. The news report stated that the sanction also affected eligibility for subsequent selection to higher judicial office. HRD gave the surname as "Başer", whereas the contemporaneous report used "Başar". This report adopts Başar.

The sources also differ on transfer dates: the report of 4 March 2019 already placed the judge in Erzurum. HRD's date of 5 March has therefore not been repeated as the precise date of his initial appointment there. Subjecting the reasons for an acquittal to disciplinary action raises the question of interference with a judge's freedom of legal interpretation.

Documentation: HRD § 50; contemporaneous news report of 4 March 2019. Sources: K01, K122.

059 Serkan Gölge's release and the discussion between heads of state

Dates: 29–30 May 2019.

The transfer from prison to house arrest of Serkan Gölge, a scientist who had worked at NASA, became public alongside discussions between the Turkish and US heads of state. HRD recorded that, on 30 May, the US President stated that he had discussed Gölge's situation with President Erdoğan and thanked him for helping secure his release.

This is not the same case as Brunson or Deniz Yücel; it concerns a different individual and separate proceedings. Nevertheless, presenting deprivation of liberty as an issue resolved through diplomatic negotiations raises a common judicial independence question. House arrest is distinguished from the removal of all restrictions and the ability to leave the country.

HRD inferred from this development that the Court of Cassation had acted on executive instructions. That inference is not repeated here as an established fact: a diplomatic statement is not a document evidencing instructions within a court. What the record establishes is acknowledgment of a political discussion and the announcement of a change in the detention regime during the same period. Subsequent stages of release and travel have not been presumed from this dated account.

Documentation: HRD § 168, PDF pp. 45–46. Source: K01.

060 The Osman Kavala case: detention, acquittal, examination of the panel and non-implementation of judgments

Period monitored: 10 December 2019–20 October 2026. **First application:** no. 28749/18. **Second application:** no. 2170/24. The subheadings below distinguish decisions and measures taken in different years.

The ECtHR examined Osman Kavala's detention and found violations concerning the right to liberty and the purpose of the detention; it indicated that he should be released. Its assessment that the detention pursued the purpose of silencing a human rights defender distinguished the case from an ordinary dispute about grounds for detention. The subsequent Grand Chamber judgment in infringement proceedings examined whether the first judgment had been implemented.

Assessment: Using detention powers for a purpose other than that prescribed by the Convention is not merely a procedural defect. The scope of the first judgment should nevertheless not be expanded as though it had examined in advance every element of the later conviction. The 2020, 2022 and 2026 stages are presented separately.

Documentation: Judicial finding. Sources: K24, detailed account of the first judgment and its implementation; K73, subsequent Grand Chamber judgment.

Political statement and judicial measures: 18 February–9 March 2020

18 February 2020: The İstanbul Thirtieth Assize Court acquitted Kavala and ordered his release in the Gezi case. Before he was actually released, he was taken into custody again in another investigation concerning the attempted coup. That measure preceded the President's speech of 19 February. [K24, §§ 27–30]

19 February 2020 — the President’s speech: At the AK Party parliamentary group meeting, Erdoğan said of the acquittal, “Yesterday they tried to acquit him through a manoeuvre.” He stated that the political assessment of the Gezi events and those at their forefront would not change. Asked after the meeting about the custody measure, he said, “We must respect the judicial decision.” Presenting the acquittal as a manoeuvre while calling for respect for the judiciary in relation to deprivation of liberty in the same case is the specific content of the statement requiring examination from the perspective of independence. [K147]

19 February 2020 — separate measures affecting the judges and the applicant: The initiation of an HSK examination of the acquitting panel and Kavala’s renewed detention under Article 309 of the Criminal Code occurred on the same day. One concerned the professional safeguards of the deciding judges; the other concerned the applicant’s liberty. The ECtHR’s subsequent judgment in infringement proceedings included both the political speech and the examination of the panel in its account of the events. This shows that the speech is not an unrelated political comment subsequently added to this report. [K24, §§ 29–30; K38] On 28 February 2020, the ICJ and IBAHRI called for the examination to be discontinued. The opening of an examination does not establish that a final disciplinary sanction was imposed. [K38]

9 March 2020: A further detention order was made, this time on an espionage charge under Article 328 of the Criminal Code. When detention under Article 309 ended on 20 March, Kavala was not released because of the other detention order. The mechanism requiring examination is the continuation of deprivation of liberty under different legal classifications despite the existence of a release order on paper. [K24, §§ 31–35]

Legal conclusion: Chronology alone does not establish a concealed chain of instructions. Nevertheless, the express political statement discrediting the acquittal, the examination directed at the acquitting panel and the absence of actual release must be assessed together. In Kavala’s case, non-implementation was also established by the Grand Chamber judgment of 11 July 2022. The assessment of political pressure and the judicial finding that a binding judgment was not executed therefore complement each other.

Infringement proceedings concerning non-implementation of the Kavala judgment

Date: 11 July 2022. Application no. 28749/18; proceedings under Article 46 § 4 ECHR.

The ECtHR Grand Chamber held that Türkiye had failed to fulfil its obligation to abide by the 2019 Kavala judgment. Rather than determining all rights afresh in a new individual application, the examination focused on execution of the earlier binding judgment. It assessed whether the grounds for Kavala’s detention and the subsequent measures had deprived that judgment of effect.

Assessment: Continuing the same deprivation of liberty under different legal classifications after a judgment finding a violation may frustrate redress. In this case, non-implementation is no longer solely a monitoring organisation’s criticism; it is the Grand Chamber’s ruling.

Documentation: Judicial finding of failure to execute a judgment. Source: K24. The judgment delivered on the second application in 2026 is distinct from this ruling.

Findings on independence and impartiality in Kavala's second application

Date: 25 August 2026. Application no. 2170/24, Grand Chamber.

In Kavala's second application, the ECtHR Grand Chamber examined the detention and conviction process. The official judgment summary reported fair-trial defects, including serious shortcomings concerning independence and impartiality. The judgment found violations of Articles 3, 5 § 1, 6 § 1, 10 and 11 ECHR, and of Article 18 taken in conjunction with the relevant rights. The Court called for his immediate release and the elimination of the consequences of the conviction.

Assessment: Independence and impartiality in this case are not inferred merely from a general country assessment; they form part of the Grand Chamber's examination of specific proceedings. The measures required domestically by the judgment must be distinguished from an assertion that domestic decisions automatically cease to exist.

Documentation: Judicial finding. Source: K73, official judgment summary issued by the ECtHR Registry.

Committee of Ministers decision of September 2026 on execution of the Kavala judgment

Date: 16 September 2026. Document: 1569th meeting, H46-39.

In its supervision of execution in the Kavala case, the Council of Europe Committee of Ministers called for concrete steps to secure release and eliminate the consequences of the conviction. The decision shows that implementation remained a separate problem after the 2026 Grand Chamber judgment. The Turkish authorities were requested to provide information by 14 October 2026.

Assessment: The gap between a finding of a violation and redress is the subject of international supervision of execution in this case. The Committee of Ministers' deadline of 14 October 2026 falls within the report's monitoring period. The passing of that date does not automatically entail a new sanction or closure of the execution process; the October developments are recorded separately below.

Documentation: Official decision supervising execution. Source: K74.

Rejection decision and follow-up on execution, 13–16 October 2026

13 October 2026: According to ANKA's report based on the court decision, the İstanbul Thirteenth Assize Court rejected the requests to stay enforcement of the sentence, order release and reopen the proceedings following the Grand Chamber judgment of 25 August. The report quoted reasoning that the ECtHR was not an appellate court and that assessment of evidence belonged to the national courts. The rejection resulted in continued enforcement of the conviction in case no. 2021/178, judgment no. 2022/178. The report also stated that an objection was available. [K179]

14 October 2026: The list of decisions adopted at the Committee of Ministers' 1572nd meeting includes the Kavala case under item H46-1 and states that no new decision was adopted for that item. Inclusion on the agenda does not mean that a new execution decision was made or that previous obligations were fulfilled. This record draws no conclusion about the content of all correspondence that the Turkish authorities may have submitted. [K180]

16 October 2026: In a statement published on his behalf, Kavala criticised the domestic court's rejection and reiterated his request for implementation of the ECtHR judgment. The statement is a direct expression of the applicant's position; it is not treated as a new judicial decision. [K181]

Documentation and limitation: A contemporaneous news report and the applicant's statement are used for the rejection of 13 October; the official meeting record is used for 14 October. A complete signed copy of the rejection decision was not among the documents accessed. The outcome of the objection or any subsequent release was not verified from the available sources and has not been presented as an established outcome. Sources: K179–K181.

061 ECtHR judgment on the detention of Judge Hakan Baş

Date: 3 March 2020. Initial measure: detention in July 2016. Application no. 66448/17.

The ECtHR examined the interpretation of in flagrante delicto, reasonable suspicion and detention safeguards in Hakan Baş's case. A central issue was the circumvention of procedures specific to judicial officers by treating membership of a terrorist organisation as a continuing offence. The Court found a violation of the right to liberty.

Assessment: The judgment illustrates that the ordinary procedural safeguards of a serving judge must not be arbitrarily set aside. The applicant's general allegation concerning the independence of criminal judgeships of peace is, however, distinct from the grounds on which the Court found violations. The judgment cannot be used as a blanket ruling that all criminal judgeships of peace lack independence in every case.

Documentation: Judicial finding under Article 5 ECHR. Source: K22, Baş v. Turkey.

062 Social media statements by Ayşe Sarısu Pehlivan and Orhan Gazi Ertekin

Date: May 2020; Antalya Bar Association statement of 16 May 2020.

Different measures were taken against the two judges following their social media posts after İbrahim Gökçek's death. According to the Antalya Bar Association's statement, Ayşe Sarısu Pehlivan was provisionally suspended for three months in disciplinary proceedings. An investigation was opened against Orhan Gazi Ertekin on an allegation of disseminating propaganda for a terrorist organisation.

This case is distinct from the disciplinary sanction imposed on Pehlivan for her 2017 interview and examined by the ECtHR in 2023. Confusing the two processes would lead to the incorrect conclusion that the ECtHR also ruled on the 2020 post.

The Bar Association considered the posts in terms of the right to life and freedom of expression and called for the measures to be discontinued. This is a direct statement by a professional organisation, not the final outcome of the investigations. Suspension and criminal investigation have also been recorded as different types of measure. The specific issue is the effect of a judicial officer's statement on a humanitarian event outside professional duties on the ability to remain in office and on freedom of expression.

Documentation: Antalya Bar Association statement of 16 May 2020. Source: K112.

063 Transfer of İbrahim Fikri Talman from İstanbul Anadolu to Van

Dates: 17 June 2020; parliamentary question of 22 June 2020.

A publicly available copy of decree no. 548 of the First Chamber of the HSK shows that İbrahim Fikri Talman, personnel registration no. 25653, was transferred from a judgeship in İstanbul Anadolu to a judgeship in Van. The measure appears as entry 5 on the list. [K175]

The change of duties of Talman, Vice-President of the Judges' Union, was addressed in Murat Bakan's written parliamentary question of 22 June. The question sought the reasons for the appointment in light of his trade-union role, professional seniority and previous disciplinary proceedings. The document provides a primary source for the objection raised at the time; it does not mean that the Ministry accepted those allegations. [K176]

Assessment: The transfer of a professional organisation's officer to another province should be examined for its potential chilling effect on freedom of association and expression. As the decision list contains neither individual reasons nor information about posting preferences, it cannot, on its own, conclusively establish a punitive purpose.

Documentation: Publicly available copy of the HSK decision annex and parliamentary question. Sources: K175, K176.

064 Sabuncu and Others: Cumhuriyet newspaper staff

Date and application: 10 November 2020; ECtHR application no. 23199/17; ten applicants.

The ECtHR jointly examined the detention of Murat Sabuncu, Akın Atalay, Önder Çelik, Turhan Günay, Mustafa Kemal Güngör, Kadri Gürsel, Hakan Karasinir, known as Hakan Kara, Musa Kart, Güray Öz and Bülent Utku. Central to the applicants' complaints was the use of the newspaper's editorial line, news coverage and social media posts as grounds for allegations of assisting terrorist organisations.

Assessing the conversion of activities connected with journalism and legitimate political criticism into grounds for criminal suspicion, the ECtHR held that Article 5 § 1 and Article 10 had been violated. It nevertheless found no violation in respect of the Article 18 complaint. This distinction prevents the incorrect generalisation that the Court separately regarded every unlawful detention as politically motivated.

The case illustrates the problem of judicial assessments of evidence automatically treating critical reporting as organisational activity. As the ten applicants were covered by common proceedings and a joint judgment, they are recorded together by name rather than through ten separate narratives. This record is distinct from Can Dündar and Erdem Gül's earlier case concerning reporting on the MİT lorries.

Documentation: ECtHR judgment, list of applicants, examination of evidence and operative provisions. Source: K134.

065 Grand Chamber judgment concerning Selahattin Demirtaş

Principal judgment: 22 December 2020, Grand Chamber, application no. 14305/17. Period monitored for political statements and release requests: 20 November 2018–26 December 2020. For the separate 2025 application, see case 102.

The ECtHR Grand Chamber assessed Selahattin Demirtaş’s detention and its consequences for his political activities. It found a violation of Article 18 ECHR taken in conjunction with the right to liberty. The finding concerning the purpose of suppressing political pluralism and freedom of political debate was a central element of the judgment.

Assessment: The Court accepted that the political context had legal significance for the detention measure. This conclusion did not follow merely from the fact that a politician was being prosecuted; it was based on the evidence and measures in the case examined. Subsequent distinct periods of detention and proceedings cannot be merged with this application as though they constituted a single measure. The fourth application, decided in 2025, is recorded separately.

Documentation: Judicial finding. Source: K25, Selahattin Demirtaş v. Turkey (no. 2), Grand Chamber.

Political statements and responses to release requests in the Demirtaş case

20 November 2018 — first ECtHR judgment and statement on the same day: Asked about the Chamber judgment concerning Demirtaş, Erdoğan responded, “The ECtHR’s decisions are not binding on us” and “We will make our countermove and finish the matter.” Anadolu Agency’s report of the same date records both the question and the answer. This was an express political position treating implementation of the judgment as a matter for an executive countermove. The initial Chamber judgment was not yet final at that time; its procedural status must not be confused with that of the Grand Chamber judgment of 22 December 2020. [K142; K25]

30 November 2018 — refusal of release: The Ankara Nineteenth Assize Court rejected the release application made after the ECtHR judgment. According to the contemporaneous account, one reason was that the ECtHR judgment had not become final. The 2018 event is therefore presented with both the political statement and the procedural status of the judgment at that stage. [K151]

22 December 2020 — Grand Chamber judgment: Alongside its finding concerning the purpose of suppressing political pluralism, the Grand Chamber called for all necessary measures to secure Demirtaş’s immediate release. A Grand Chamber judgment is final. The argument that the previous Chamber judgment had not become final no longer applied at this new stage. [K25]

23 December 2020 — speech the following day: At the AK Party parliamentary group meeting, Erdoğan described the judgment as “outright double standards, indeed hypocrisy”. He used language imputing offences to Demirtaş and alleged that the ECtHR had acted before domestic remedies were exhausted. These objections were the President’s views, not a judicial decision removing the binding force of the Grand Chamber judgment. [K143]

Rejection reported on 26 December 2020: The Ankara Seventh Criminal Judgeship of Peace refused the release request. According to the reasoning quoted in the news report, the Turkish translation of the English judgment submitted by the defence had not reached the file; the judgeship therefore considered itself unable to examine which application and offences the judgment covered. Beyond an abstract statement of “non-implementation”, this record identifies the domestic reason why the requirement of immediate release did not take effect. The date is the publication date of the report; it is not presented as a separately verified date of the signed rejection decision. [K144]

Subsequent proceedings and assessment: The new period of detention beginning on 20 September 2019 was examined separately in the fourth ECtHR application, decided on 8 July 2025; the relevant record in this report contains the separate legal assessment of that period. Reading the President’s statements of 2018 and 2020 alongside the refusals of release shows that implementation of the judgment became a matter of political conflict. Rather than inferring a direct instruction solely from the sequence of events, the report considers the political rhetoric, the specific reasons for refusal and the ECtHR’s assessment of purpose together. [K25; K77]

2021 and 2022

066 Atilla Taş’s detention and the ineffectiveness of the release order

Dates and application: Detention in 2016–2017; ECtHR judgment of 19 January 2021, application no. 72/17.

Atilla Taş’s social media posts and articles criticising government policies were relied upon as grounds for detention on terrorism charges. The ECtHR found violations of the rights to liberty and freedom of expression. The official judgment summary shows that no connection capable of establishing reasonable suspicion was demonstrated between the critical statements and the alleged offence.

Taş was among those whose release was ordered by the İstanbul Twenty-Fifth Assize Court on 31 March 2017. The release order, the new deprivation-of-liberty measures and the suspension of the deciding panel are examined separately from the judges’ perspective. This record addresses the same event from the perspective of the person deprived of liberty.

The two records complement each other: one concerns the professional safeguards of the decision-makers, the other the substantive basis for detention. The ECtHR’s finding concerning Taş does not determine the entirety of the disciplinary proceedings against the panel members.

Documentation: Official ECtHR judgment summary. Source: K127; K90–K91 and K01 for the measures against the panel.

067 Non-implementation of the Constitutional Court’s judgment concerning Enis Berberoğlu

Date: 21 January 2021. Application no. 2020/32949, third application.

In a new application, the Constitutional Court examined the failure to give effect to its earlier judgment finding violations in Enis Berberoğlu’s case. Parliamentary status, the

rights to stand for election and engage in political activity, and safeguards of personal liberty were central to the case. The court responsible for redress had deprived the earlier Constitutional Court judgment of effect, prompting renewed constitutional review.

Assessment: A lower court's compliance with a binding judgment finding a violation cannot be equated with submission to another authority's arbitrary instruction. The issue is constitutional competence and implementation of a final judgment. The case shows that non-implementation may generate a second process for the determination of violations.

Documentation: Judicial finding. Source: K26, the Constitutional Court's official announcement of the leading judgment. Not all subsequent political developments fall within this record.

068 Allegedly punitive transfer and the Bilgen judgment

Date: 9 March 2021. Application no. 1571/07. Individual concerned: Savaş Bilgen.

Bilgen applied to the ECtHR because he was unable to challenge an involuntary transfer before a court. The underlying transfer predated the beginning of the reporting period; the 2021 judgment is recorded as a new legal finding within that period. The ECtHR held that the inability to obtain review of the professional measure by an independent court violated the right of access to a court.

Assessment: Treating a judge's transfer as an exclusively internal administrative matter disregards its professional and personal consequences. The judgment explains the role of effective judicial review of transfers in safeguarding independence. The ECtHR's finding is not a general ruling that every transfer is substantively unlawful.

Documentation: Judicial finding under Article 6 § 1 ECHR. Source: K18, particularly §§ 74–80 and 94–97.

069 Disciplinary measures against Ömer Faruk Eminağaoğlu

Date: 9 March 2021. Application no. 76521/12.

The ECtHR examined the disciplinary proceedings against judicial officer and professional organisation representative Ömer Faruk Eminağaoğlu, his statements and the use of information concerning his private life. The Court found violations of the rights of access to a court, respect for private life and freedom of expression. Although some measures predated 2013, the judgment was delivered within the period covered by this report.

Assessment: A judicial officer's participation in public debate engages a particular sphere of freedom of expression connected with the judicial role. Disciplinary powers cannot be exercised to suppress professional criticism. The absence of judicial recourse against a measure also weakens review of interference with substantive rights.

Documentation: Judicial finding under Articles 6, 8 and 10 ECHR. Source: K19, Eminağaoğlu v. Turkey.

070 Detention of Ahmet Hüsrev Altan over his writings and television remarks

Date and application: 13 April 2021; ECtHR application no. 13252/17.

Ahmet Hüsrev Altan's television remarks and writings before the attempted coup were cited as evidence for allegations of organisational membership and offences against the constitutional order. The ECtHR examined whether the content of those statements could give rise to reasonable suspicion of the alleged offences and found violations concerning detention and freedom of expression.

The case also addressed the defence's access to the investigation material. An effective challenge to the grounds for detention requires more than the ability to submit a petition; it requires access to the information underlying the accusation. The Article 5 § 4 aspect of the judgment is therefore also significant for the practical effectiveness of judicial review.

Ahmet Hüsrev Altan's case is distinct from Mehmet Hasan Altan's application concerning non-implementation of a Constitutional Court judgment. The names and application numbers have deliberately been kept separate. This record contributes to the judicial independence analysis through the conversion of political expression into criminal evidence and the opportunities available to the defence to challenge detention.

Documentation: Turkish translation of the ECtHR judgment, operative provisions and reasoning. Source: K135.

071 Detention of Constitutional Court member Erdal Tercan and the search of his home

Dates and application: Measures in July 2016; ECtHR judgment of 29 June 2021, application no. 6158/18.

Erdal Tercan was detained and his home searched following the attempted coup while he remained a member of the Constitutional Court. The ECtHR held that Article 5 § 1 had been violated because the procedural safeguards specific to Constitutional Court members had not been observed and reasonable suspicion was absent at the time of initial detention. The failure to provide relevant and sufficient reasons for detention exceeding two years and eight months violated Article 5 § 3; the search of his home in breach of the prescribed procedure violated Article 8.

An important limit to the judgment must also be recorded: the complaint that the criminal judges of peace lacked independence and impartiality was declared manifestly ill-founded. The Tercan judgment therefore cannot be used to claim that the Court regarded all criminal judgeships of peace as lacking independence.

The specific violations concerned the circumvention of safeguards governing the arrest and search of a member of the higher judiciary and the insufficient basis for detention decisions. This case concerns a different Constitutional Court member from Alparslan Altan and also includes a search of the home.

Documentation: Official ECtHR judgment summary. Source: K101.

072 Disciplinary sanctions against prosecutor Taner Temür over social media posts

Dates: Posts in 2019; disciplinary proceedings reported publicly in 2021.

Two social media posts by Şanlıurfa public prosecutor Taner Temür were placed in a disciplinary file following a complaint by a data clerk working at the HSK. According to the news report, family photographs were also added to establish that the posts were his. The Second Chamber of the HSK imposed a reprimand and a deduction of two days' salary on the ground that the posts created an appearance of political partisanship; the General Assembly rejected the objection.

Temür's lawyer, Mustafa Karadağ, alleged the existence of a unit monitoring judges' and prosecutors' social media accounts. This allegation is not presented as though an official document establishing such a unit had been obtained. The same report stated that a criminal complaint against the official who transmitted the data had not resulted in prosecution.

The distinctive issues are professional freedom of expression and the use of personal data in a disciplinary investigation. The reported HSK reasoning has also been retained: the case is not described solely through the sanctioned individual's assessment. In the absence of a final international judgment finding a violation, the record remains at the level of a contemporaneous news account.

Documentation: Contemporaneous news report describing decisions and statements by the parties. Source: K121.

073 Detention of 427 judicial officers in Turan and Others

Date: 23 November 2021. Applications: no. 75805/16 and 426 others.

The ECtHR examined the lawfulness of the initial detention of 427 judges and prosecutors detained after the attempted coup and held that the right to liberty had been violated. The case enabled review, through grouped applications, of a practice extending beyond a single individual.

Assessment: The recurrence of a common procedural defect in the initial detention of many judicial officers illustrates the scale of the interference. The figure of 427 is not, however, the total number of dismissals or of all victims. Nor is the judgment an acquittal in respect of all subsequent criminal allegations against the applicants.

Documentation: Judicial finding under Article 5 § 1 ECHR. Source: K23, Turan and Others v. Turkey.

074 Temporary reassignment of Akçakale judge A.Ç. after reporting a prosecutor's conduct

Dates: December 2021–January 2022. Location: Akçakale; new duty station: Vezirköprü.

According to a contemporaneous news report, A.Ç., serving in Akçakale, refused a request to detain a twelve-year-old child and reported the prosecutor's actions to the HSK, requesting consideration of in-service training. In the subsequent examination, the judge was temporarily assigned to Vezirköprü on the ground of safeguarding the

investigation. The report also quoted the judge's petition stating that the reassignment had occurred before an explanation had been obtained from the judge. [K161]

A statement by an Urfa Bar Association representative drew attention to the relationship between the decision protecting the child's liberty and the judge's reassignment. The issue is not merely a transfer following release: a judge who made an institutional report concerning another judicial officer's conduct was personally subjected to examination and reassignment.

Documentation: Contemporaneous account based on a quoted petition and a statement by an identified bar representative. The complete temporary-assignment decision and the final investigation outcome could not be verified in this file. Source: K161.

075 Convictions in the Gezi trial

Date: 25 April 2022. **Location:** İstanbul Thirteenth Assize Court.

In the Gezi trial, Osman Kavala was sentenced to aggravated life imprisonment and the other defendants, including Tayfun Kahraman and Can Atalay, received prison sentences. Constitutional and international applications after 2022 raised issues concerning the evidential and procedural foundations of the convictions and implementation of judgments finding violations. Subsequent decisions concerning Kavala and Kahraman are addressed separately below.

Assessment: Being tried in the same proceedings does not mean that the same judgment finding a violation was delivered for everyone. Kavala's ECtHR application, Atalay's constitutional applications concerning his parliamentary status and Kahraman's fair-trial application produced separate rulings. Maintaining that distinction supports the reliability of the case record.

Documentation: Date and scope of the convictions as confirmed in subsequent official decisions. Sources: K73; K75–K76; K27.

076 Technical evidence and effective review in Taner Kılıç's detention

Dates and application: Detention from June 2017 to August 2018; ECtHR judgment of 31 May 2022, application no. 208/18.

The detention of Taner Kılıç, then Chair of Amnesty International's Türkiye section, was justified by alleged ByLock use and other personal connections. The ECtHR found violations concerning the absence of reasonable suspicion, continued detention, the right to compensation and freedom of expression. The relevant provisions were Article 5 §§ 1, 3 and 5 and Article 10.

Central to the case was how challenges to the accuracy of the technical allegation were reflected in decisions depriving the applicant of liberty. Judicial review must not merely repeat the initial accusation; it must also assess subsequent weakening of the evidence.

Although connected with the collective trial concerning the meeting on Büyükkada, Kılıç's application concerned his own detention. The ECtHR judgment is used here to distinguish human rights advocacy from criminal suspicion on the basis of concrete evidence.

Documentation: Turkish translation of the ECtHR judgment published in HUDOC. Source: K125.

077 Nimet Demir's dissent in the Khashoggi case, transfer to Kahramanmaraş and retirement application

Dates: April–June 2022. Institutions: İstanbul Twelfth Assize Court; First Chamber of the HSK.

Saudi journalist Jamal Khashoggi was killed at the Saudi Arabian Consulate General in İstanbul on 2 October 2018. The İstanbul Twelfth Assize Court examined the objection to the İstanbul Eleventh Assize Court's decision of 7 April 2022 to transfer the proceedings to Saudi Arabia. President Nimet Demir dissented from the rejection of the objection. Her opinion addressed the problem, for effective adjudication, of a state protecting the defendants becoming the adjudicating authority in the same case, and the need to continue the proceedings in Türkiye. Demir's dissent was delivered at the objection stage, not in the initial transfer decision. [K156]

HSK decision no. 904 of 19 June 2022 transferred Demir from the presidency of an İstanbul assize court to a judgeship in Kahramanmaraş. Entry 8 of the official annex clearly identifies the former and new positions. [K155]

In an interview reported in Elif Çakır's article of 22 June, Demir stated that she had not requested the appointment and had not been informed beforehand. She said that her request for annual leave had been refused and that she then submitted a retirement application on 21 June. The verified stage is the retirement application; the date on which the procedure formally concluded has not been separately established. [K157]

Assessment: The loss of a court presidency and transfer to another city shortly after a dissent, followed by a decision to leave the profession, should be assessed together when examining the professional consequences of judicial dissent. The description of the transfer as "exile" rests on the statement that it was involuntary, its timing and the change of duties; the HSK annex does not disclose individual reasons for the measure.

Documentation: Official appointment annex, contemporaneous account of the dissent and direct interview with the judge. Sources: K155, K156, K157.

078 Transfer of Kürşad Bektaş to Turhal after his Gezi dissent

Dates: 25 April–19 June 2022. Locations: İstanbul Thirteenth Assize Court; Turhal.

Panel member Kürşad Bektaş dissented from the Gezi judgment of 25 April, voting to acquit the defendants. He addressed the lawfulness of the telephone interceptions in the file and whether sufficient evidence existed for conviction; he argued that Kavala should be released and that the other defendants should not be detained. [K158]

Under HSK appointment decree no. 904 of 19 June 2022, Bektaş was transferred from a judgeship in İstanbul to a judgeship in Turhal. The entry for personnel registration no.

211284, entry 2280, PDF p. 79, confirms the transfer. Turhal is the specific location corresponding to the general reference to “Tokat” in news reports. [K155]

Assessment: Separately from the convictions of the Gezi defendants, this record concerns the professional safeguards of the dissenting judge. The dissent’s reasoning on evidence and liberty, and the transfer shortly afterwards, are significant for their potential chilling effect on other judges. The publicly available annex does not disclose the individual reasons for the transfer or the judge’s posting preferences.

Documentation: Account of the dissent and official HSK annex. Sources: K158, K155.

079 Change to Halit Kılıç’s duties following release decisions in the Metin Gürcan case

Dates: Proceedings in 2022; appointment decree of 19 June 2022. Location: Ankara Twenty-Sixth Assize Court.

In Metin Gürcan’s espionage trial, the court raised deficiencies concerning the nature of the information underlying the charge and the clarity of the indictment. The contemporaneous account records the return of the indictment, requests for information from the relevant institutions and objections to release orders. President Halit Kılıç’s duties changed while those proceedings were ongoing. [K159]

Entry 321 of HSK appointment decree no. 904 of 19 June 2022 shows that Kılıç, personnel registration no. 92540, was transferred from the presidency of an Ankara assize court to membership of the Trabzon Regional Court of Appeal. The new position should not be described generically as a “judgeship in Trabzon”. [K155]

Assessment: The departure from an ongoing case of the president of a panel reviewing detention and the nature of the evidence concerns both judicial security of tenure and continuity of proceedings. The source characterises the appointment as punitive; that assessment is distinct from the change of duties conclusively shown by the HSK list.

Documentation: Official appointment record and contemporaneous account of the proceedings. Sources: K159, K155.

080 Transfer of Alparslan Tufan following the investigation into the attack on Selçuk Özdağ

Dates: Investigation in 2021; appointment decree of 19 June 2022. Location: Ankara.

Contemporaneous news reports stated that Ankara Deputy Chief Public Prosecutor Alparslan Tufan faced reactions from political circles and targeting on social media during the investigation into the attack on Selçuk Özdağ. In discussions of the summer 2022 appointment decree, that investigation was cited as the context for his change of duties. [K160]

In entry 210 of decision no. 904, the HSK transferred Tufan from Deputy Chief Public Prosecutor in Ankara to Deputy Chief Public Prosecutor in Ankara Batı. The list retains the deputy chief public prosecutor title. Describing the measure as a “demotion to an ordinary prosecutor’s post” is inconsistent with the official record. [K155]

Assessment: Public pressure directed at a prosecutor conducting an investigation involving political actors and the transfer causing that prosecutor to leave the case should be monitored together. The available documents warrant investigation of the targeting and transfer; they do not conclusively establish a concealed chain of instructions between them.

Documentation: Official HSK annex and contemporaneous news report. Sources: K155, K160.

081 Detention of fifty judicial officers in Acar and Others

Date and applications: 28 June 2022; no. 64251/16 and 49 others.

The applicants were serving as judges, prosecutors or trainee judges when they were detained after the attempted coup. Their initial detention relied on suspension or removal-of-powers decisions and, for some individuals, ByLock information. The ECtHR held that Article 5 § 1 had been violated because those grounds did not establish reasonable suspicion of an offence in the specific cases.

For four applicants, reliance had also been placed on disciplinary proceedings concerning their failure, on health grounds, to take up new posts after transfers in 2015. The Court stated that it had not been shown how that conduct indicated membership of an organisation. This detail makes visible the subsequent conversion of a professional dispute into grounds for criminal suspicion.

Fifty applications do not mean fifty separate dismissal rulings; the common measure examined was initial detention. Unlike the lawfulness analysis in Turan, this judgment emphasises the substance of reasonable suspicion. The report therefore does not merge the two judgments into an undifferentiated category of “collective violations”.

Documentation: ECtHR judgment, particularly §§ 1–4 and 10–12. Source: K105.

082 Removal of Hüseyin Zengin from the İmamoğlu trial and changes to the appeal panel

Dates and locations: June 2022; August 2023; İstanbul Anadolu Seventh Criminal Court of First Instance and Twenty-Fourth Criminal Chamber of the İstanbul Regional Court of Appeal.

Hüseyin Zengin, who was hearing the trial of Ekrem İmamoğlu for allegedly insulting YSK members, was appointed to Samsun. The allegation that the judge had been urged to impose a particular sentence was also raised in a parliamentary question. That question shows that the allegation entered the official scrutiny process; it is not a decision proving the allegation.

Subsequent development — the appeal panel in August 2023

Following the first-instance conviction, changes to the panel that would hear the appeal were reported in August 2023. The contemporaneous account stated that Sezai Öztürk, President of the Twenty-Fourth Criminal Chamber, moved to another chamber and that the panel’s composition changed. These stages have been grouped within the same case record.

The analysis does not assume that judges can never be replaced. The issue is the timing, reasons and effect of the change on proceedings with potential political consequences. The allegation of improper influence, the first-instance appointment and the change to the appeal panel must be considered according to their different evidential statuses. This case has not been confused with İmamoğlu's detention in a separate investigation in 2025.

Documentation: Parliamentary question and contemporaneous news report. Sources: K116, K117.

083 Thirty-one applications in Ataman and Others

Date and applications: 6 September 2022; no. 14676/17 and thirty others.

The ECtHR jointly examined the post-coup detention of İbrahim Tufan Ataman and the other applicants. The case concerned compliance with profession-specific procedural safeguards during the initial detention of persons holding different judicial posts. The Court found a violation of Article 5 § 1.

The list of individuals makes it possible to verify which applications the joint judgment covered. Inclusion in the same judgment does not, however, mean that every person faced the same accusation or subsequent criminal proceedings. In explaining the common grounds for the violation, the report does not erase those individual differences.

The case contributes to the assessment of scale by showing that the issue was not confined to a single judicial officer. Treating organisational membership as a continuing offence does not automatically justify using the in flagrante delicto exception to circumvent the procedures prescribed for arresting judges and prosecutors. The Court did not separately examine the other liberty complaints. The judgment is also included in the table of grouped judgments with its number of applications.

Documentation: Publicly available copy of the ECtHR judgment and application annex. Source: K106.

084 Interpretation of in flagrante delicto and duplicate applications in Geleş and Others

Date and applications: 6 September 2022; no. 75881/16 and 69 others.

Geleş concerned the initial detention of judges and prosecutors under ordinary provisions instead of the procedures specific to their profession. Reliance on the in flagrante delicto exception by treating organisational membership as a continuing offence was connected to the issue in Turan and Baş. The ECtHR held that Article 5 § 1 had been violated as regards the lawfulness of initial detention.

Important counting distinction: The judgment concerned seventy applications, but two additional applications by Şimşek and Yorulmaz repeated applications already listed for the same individuals. The Court declared those two duplicate complaints inadmissible. It is therefore incorrect to present the case as involving seventy distinct victims or seventy separate new violations; the list contains 68 distinct individuals.

This distinction demonstrates the need to avoid double-counting the same individual and complaint in grouped applications. Geleş is significant both for the common grounds of violation and for the duplication between applications.

Documentation: ECtHR judgment, particularly §§ 8–12 and the annexed list. Source: K107.

085 Assignment of a Karaburun judge and prosecutor to Siverek

Date and locations: September 2022; Karaburun and Siverek.

Following an incident at the Karaburun courthouse, prosecutor Muhammet Miraç Yılmaz, who requested the detention of a political party's district chair, and Judge Cansu Kurucu Yılmaz, who dismissed the objection to detention, were assigned to Siverek for four months. The İzmir Bar Association criticised the HSK, stating that the assignment required them to take up their new duties immediately. A parliamentary question identified both judicial officers and the connection between the measures.

Prosecutor Muhammet Miraç Yılmaz requested detention; his wife, Judge Cansu Kurucu Yılmaz, dismissed the objection to detention. Since the sources do not show that Judge Cansu Kurucu Yılmaz made the initial detention order, no such action has been attributed to her.

The Bar Association's statement directly expressed the view that professional safeguards had been violated. As the complete reasoned assignment decision is not available in this file, a political instruction is not stated as an established fact. Nevertheless, a short temporary assignment and an instruction to take up duties immediately, moving two judicial officers simultaneously just after an ongoing incident, constitute a specific and investigable allegation of interference.

Documentation: Statement in the İzmir Bar Association activity report; parliamentary question. Sources: K110, K138.

086 One hundred and thirty-five applications in Sevinç and Others

Date and applications: 18 October 2022; no. 63634/16 and 134 others.

In applications by judicial officers detained after the attempted coup, the ECtHR examined the lawfulness of initial detention. The circumvention of profession-specific procedural safeguards through interpretation of *in flagrante delicto* formed the basis of the grouped examination. The Court held that Article 5 § 1 had been violated and found it unnecessary to examine the other complaints concerning liberty and private life separately.

As the complaints concerning reasonable suspicion, the duration of detention and private life were not separately determined, this case does not record an independent violation for each of them.

The Court awarded each applicant an aggregate EUR 5,000 covering non-pecuniary damage and costs and expenses. That sum cannot be interpreted as compensating all financial consequences of dismissal. The judgment concerns the lawfulness of initial detention. Its coverage of 135 applications provides a concrete measure of the prevalence of the practice.

Documentation: ECtHR judgment and operative provisions. Source: K103.

087 Detention of eighty-two applicants in Güngör and Others

Date and applications: 13 December 2022; no. 59639/17 and 81 others.

General grounds such as the nature of the offence, the expected sentence, nationwide investigations and evidence not yet collected had been used to justify the initial detention of the eighty-two applicants. The ECtHR held that Article 5 § 1 had been violated because the requirement of concrete reasonable suspicion was not met. Sixteen applicants were former judges or prosecutors at the relevant time; it would be incorrect to identify them all as serving judicial officers.

The case shows how a broad investigative context, not yet individualised, was used as a basis for restricting liberty. The existence of HSK measures or information concerning a messaging application does not dispense with the need to establish a specific connection between the individual and the alleged offence.

The Court awarded EUR 5,000 per person for non-pecuniary damage and costs and expenses and did not separately examine the remaining complaints. The judgment must therefore be read both for its numerical scale and for its limited operative scope. The number of applicants, the number of dismissals and the number of cases in this report are distinct.

Documentation: ECtHR judgment, §§ 1–3, examination of reasonable suspicion and operative provisions. Source: K104.

2023 and 2024

088 Disciplinary sanction against Ayşe Sarısu Pehlivan for her statements

Judicial decision: 6 June 2023, application no. 63029/19. Subsequent professional measure: transfer on 17 July 2023.

The disciplinary sanction imposed on judge and professional organisation representative Ayşe Sarısu Pehlivan for her statements came before the ECtHR. The Court held that freedom of expression had been violated. Its examination concerned the extent to which a judicial officer's views relating to the profession and public debate should be protected.

Assessment: Judges' duty to appear impartial does not mean that all criticism concerning the operation of the profession and the public interest is prohibited. The effect of disciplinary punishment on other judicial officers' willingness to speak is also relevant. The judgment cannot be expanded into unlimited protection for every political statement; the specific remarks, context and sanction were assessed together.

Documentation: Judicial finding under Article 10 ECHR. Source: K21, Sarısu Pehlivan v. Türkiye.

Subsequent development — transfer of 17 July 2023

Transfer of 17 July 2023: The Judges' Union's statement of 19 July reported that Pehlivan was transferred against her wishes from Karşıyaka to Adana. The Union criticised the measure's proximity to the ECtHR judgment and its connection with the earlier disciplinary sanction. The occurrence of the transfer is distinct from the Union's assessment of a punitive purpose. This transfer should also not be confused with the separate investigation opened over her 2020 post concerning İbrahim Gökçek. Source: K115.

089 Monitoring of Demirtaş and Yüksekdağ's meetings with their lawyers

Date and applications: 6 June 2023; ECtHR applications nos. 10207/21 and 10209/21.

The ECtHR examined measures monitoring Selahattin Demirtaş's and Figen Yüksekdağ Şenoğlu's prison meetings with their lawyers and inspecting their documents. The Court concluded that the lawyer-client confidentiality necessary to prepare an effective challenge to detention had not been adequately protected and held that Article 5 § 4 had been violated.

This case is distinct from the judgments concerning the political purpose of the same individuals' detention. The interference examined concerned the conditions in which the defence could prepare before reaching a court. Monitoring communications with counsel may reduce the right to challenge a case to a merely formal opportunity.

Independent judicial review requires the defence to be able to obtain legal assistance confidentially, without the administration's knowledge of its substance. This connection explains the case's inclusion; no general section covering all prison practices has been created. The application numbers are specified to avoid confusion with other Demirtaş cases concerning the substantive basis for detention.

Documentation: Official ECtHR judgment summary. Source: K139.

090 Refusal to admit Oktay Alkan to the judiciary and the absence of judicial recourse

Date: 20 June 2023. Application no. 24492/21.

Oktay Alkan was unable to obtain judicial review of the decision refusing to admit him to the judicial profession. The ECtHR examined access to judicial review of that measure and held that the right to a fair hearing had been violated. Unlike the transfer of a serving judge, this case concerns entry into the profession.

Assessment: The conditions for judicial independence do not arise only after appointment. Protection against arbitrariness in decisions determining admission to the profession is also important. The Court's conclusion does not, however, amount to a ruling that Alkan necessarily had to be appointed or that all HSK measures are substantively unlawful.

Documentation: Judicial finding under Article 6 § 1 ECHR. Source: K20, particularly § 69.

091 Thirteen judicial officers in Kılınçlı and Others

Date and applications: 11 July 2023; no. 27336/17 and twelve others.

In Kılınçlı and Others, the ECtHR jointly examined thirteen applications concerning judicial officers' initial detention after the attempted coup. The Court held that Article 5 § 1 had been violated in respect of professional procedural safeguards and the lawfulness of initial detention. It found it unnecessary to examine the remaining complaints separately.

There were also individual differences in the awards. EUR 5,000 for non-pecuniary damage and costs and expenses was awarded to the applicants other than those in applications nos. 27336/17 and 42704/19, who had not submitted claims in time. It is therefore incorrect to state that "all thirteen individuals received the same award".

The case illustrates the detail lost when grouped judgments are presented solely by title and number. A common ground for deciding applications does not mean that every procedural request or remedy is identical. Other judgments delivered on the same day do not increase the number of applicants in this judgment; only the thirteen applications in its annex are counted here.

Documentation: ECtHR judgment, §§ 16–20 and operative provisions. Source: K108.

092 Political reaction and renewed conviction following the Yüksel Yalçinkaya judgment

Proceedings monitored: Grand Chamber judgment of 26 September 2023; retrial of 12 September 2024; Committee of Ministers decision of 12 June 2025; execution information dated 12 October 2026. Application no. 15669/20. Domestic court: Kayseri Second Assize Court.

26 September 2023 — Grand Chamber findings: The ECtHR examined the automatic inference of the elements of organisational membership from ByLock use, defence safeguards concerning digital evidence and the assessment of lawful associational activities. The Court held that Articles 7, 6 § 1 and 11 ECHR had been violated. Its examination established that the existence of a communications application could not replace individual proof of all the elements of the offence. [K29]

Scope of the structural problem: Under Article 46, the Grand Chamber did not confine itself to the applicant's situation. It indicated the need for general measures to prevent repetition of the same approach in similar cases and for national courts to comply with Convention standards. Reopening the proceedings, if requested by the applicant, was identified as an appropriate form of redress for him. The judgment therefore cannot be

read as a personal exception with no relevance to other cases; nor is it a collective acquittal automatically quashing all convictions. [K29; K145]

1 October 2023 — the President’s parliamentary speech: At the opening of the new legislative year, Erdoğan reacted to recent ECtHR judgments, saying, “Members and supporters of the terrorist organisation emboldened by this judgment should not entertain futile hopes.” Later in the speech, as directly reported by Euronews, he said, “Those FETÖ scoundrels will gain nothing from this judgment.” The speech came five days after the judgment of 26 September, not on the same or following day. Its legal significance lies in the political message portraying potential reliance on a binding judgment finding violations as illegitimate in advance. [K146; K154]

12 September 2024 — retrial outcome: At the conclusion of the retrial, the Kayseri Second Assize Court maintained the sentence of six years and three months’ imprisonment. The hearing report and Council of Europe execution notes confirm that outcome. [K152; K145]

Distinguishing the ECtHR judgment from the retrial outcome: The Grand Chamber judgment was neither withdrawn nor overturned. The proceedings were reopened domestically, but the conviction remained unchanged. Effective redress requires more than reopening: the legality and defence-rights defects identified by the ECtHR must be remedied. Imposition of the same sentence does not replace that examination.

12 June 2025 — official assessment by the Committee of Ministers: The Committee requested a Convention-compliant conclusion to the individual case and further information. Regarding general measures, it welcomed examples of compliant practice, particularly by the Court of Cassation, and requested additional examples, including from first-instance courts. It called for consideration of specific measures to prevent further violations in the many similar ECtHR applications and set the end of June 2026 as the deadline for information. This was not a decision declaring execution complete or closing supervision. [K153, points 2–6]

Scope of the examples of practice: The Government’s examples included 39 acquittals from 2019–2022 and 39 quashing decisions by the Court of Cassation from 2024. The earlier acquittals cannot be counted as implementation following the 2023 judgment. Conversely, the 2024 quashing decisions and the practices welcomed by the Committee do not permit an absolute generalisation that no court applied the standards. The documented problems are the applicant’s renewed conviction and the failure to demonstrate that general compliance has been achieved. [K145; K153]

12 October 2026 — state of implementation: According to Türkiye’s action plan submitted to the Committee of Ministers, Yalçınkaya’s appeal to the regional court was dismissed, while his appeal on points of law remained pending before the Court of Cassation; the renewed conviction was not yet final. For the Bozyokuş, Demirhan, Seyhan and Karslı groups, the authorities reported 1,499 grants of reopening, 24 final acquittals, 1,475 ongoing proceedings and 64 refusals to reopen. These figures are Government submissions, not an independent count of all similar cases. [K196, §§ 7–21]

As regards general measures, the Government maintained that the case-law was Convention-compliant and that no further measures were needed beyond training and awareness-raising activities. That position is not a Committee of Ministers decision

declaring execution complete. Assessment must focus on whether retrials establish the elements of the offence through individualised evidence, enable the defence to challenge digital evidence and actually remedy the consequences of the violations. [K196, § 94]

Connection with grouped judgments in 2025–2026: The Demirhan, Kılıçarslan, Ünal and Parun records show that examination continued in numerous applications. The provision violated in each judgment must be retained separately; Ünal, for example, concerns Article 6 § 1. The fact that these judgments were delivered after 2023 does not mean that all domestic procedural acts within them occurred after the President’s speech of 1 October. The date of a subsequent ECtHR judgment has not been confused with the date of the domestic measure giving rise to the violation.

Assessment: The case must be read on three levels: the political authority’s statement discrediting the judgment; the retrial producing the same sentence for the applicant; and the structural problem requiring standards to become established across many similar cases. It has not separately been proved that the statement was a direct instruction to particular judges. Nevertheless, the executive’s express opposition to a binding standard that courts must apply is an important indicator for judicial independence, documenting the political environment in which execution takes place.

Documentation: ECtHR legal summary; contemporaneous accounts of the political speech and retrial outcome; Council of Europe Secretariat notes; Committee of Ministers decision; and Türkiye’s execution action plan. Sources: K29, K145–K146, K152–K154, K196. State submissions and the decision adopted by the body supervising execution are assessed separately.

093 Non-implementation of two Constitutional Court judgments concerning Can Atalay

Dates: 25 October and 21 December 2023. Applications nos. 2023/53898 and 2023/99744.

The Constitutional Court found violations of the rights to liberty, to stand for election and to engage in political activity in the case of Can Atalay, who had been elected to Parliament. In the third application, lodged after the first judgment was not implemented, it also found a violation of the right of individual application. The dispute between the Court of Cassation and the Constitutional Court made the problem of implementing a binding judgment explicit.

8 November 2023 — criminal complaint against the Constitutional Court members who delivered the judgment: In addition to refusing to comply with the first judgment finding violations, the Third Criminal Chamber of the Court of Cassation decided to lodge a criminal complaint with the Chief Public Prosecutor’s Office at that court against the Constitutional Court members who had voted for a finding of violations. On 21 December, the Constitutional Court again found violations; on 3 January 2024, the Third Criminal Chamber again decided not to comply. The dispute therefore involved not only the failure to release the applicant but also a threat of criminal liability against the members exercising constitutional review. A criminal complaint does not amount to a conviction or a final disciplinary sanction against those members. [K27; K178]

Assessment: Depriving a constitutional judgment finding violations of effect goes beyond an ordinary difference of opinion on appeal. The Constitutional Court's 2024 decision concerning the measure terminating Atalay's parliamentary membership must also be examined separately. Its conclusion that "there was no need to give a ruling" has not been described as an annulment automatically restoring parliamentary membership.

Documentation: Judicial finding. Sources: K27; K28.

094 Detention of international judge Aydın Sefa Akay despite his immunity

Dates and application: Detention and searches in 2016; ECtHR judgment of 23 April 2024, application no. 59/17.

Aydın Sefa Akay was detained in Türkiye while serving as a judge at the United Nations Mechanism for International Criminal Tribunals; his home and person were searched. The ECtHR held that Article 5 § 1 and Article 8 had been violated because the domestic authorities had failed to give proper effect to the immunity arising from his international office.

The safeguard protected in this case is not merely a personal privilege. The deprivation of liberty of an international court's member by his own state also affects his functions in the case assigned to him and the court's independent operation. The connection between the home and judicial work performed remotely gives particular significance to the safeguards governing searches.

The judgment rests on a legal regime different from the procedures governing official misconduct by ordinary judges in Türkiye. It has therefore not been presented as subject to the same immunity rule as the Alparslan Altan or Tercan cases. The ECtHR's ruling was based on the international status and the lawfulness of the measures taken.

Documentation: ECtHR judgment. Source: K102.

095 Change to prosecutor Durdu Özer's duties in the Sinan Ateş investigation

Date and measure: Ordinary judiciary appointment decree of 13 June 2024.

Ankara Deputy Chief Public Prosecutor Durdu Özer, who worked on the investigation into Sinan Ateş's murder, was appointed as a public prosecutor at the Ankara Regional Court of Appeal. The contemporaneous report considered his earlier removal from the investigation together with the subsequent change of duties and characterised the measure as a demotion.

Moving from deputy chief public prosecutor to regional appeal-court prosecutor indicates a change in duties and powers. The report's characterisation and the official legal reasons for the measure are not, however, the same thing. The record focuses on continuity of the prosecutor in a sensitive investigation and the reasons for replacement.

Not all appointments in the principal decree of 2024 have been added to the number of affected persons in this case. The proceedings concerning Sinan Ateş's personal data before the Ankara Thirty-Second Assize Court in 2026 have also been distinguished from the substantive murder trial. Different proceedings and appointment processes associated with the same individual's name are kept separate.

Documentation: Contemporaneous news report describing the change of duties; no independent judicial finding concerning the reason. Source: K118.

2025

096 Demiryürek and Others: termination of duties within the HSYK

Date: 14 January 2025. Applications: no. 55005/14 and 41 others.

The statutory termination of duties within the HSYK in 2014 also gave rise to the Demiryürek and Others applications. In 42 applications, the ECtHR unanimously held that Article 6 § 1 ECHR had been violated and awarded each applicant EUR 7,800 in respect of non-pecuniary damage. The Court concluded that the Government had failed to demonstrate that the domestic remedies relied upon were adequate and effective in the particular circumstances.

Assessment: The statutory origin of a termination measure does not extinguish the individual's right to bring before a court a dispute affecting civil rights. The judgment shows that the issue in Kartal also arose for other judicial officers. The compensation award does not mean that the individuals were actually reinstated in their previous positions.

Documentation: Judicial finding. Sources: K57; K96, §§ 21 and 37–44 and operative provisions. On the subject matter, read together with K56.

097 Supreme-court offices of Tosun and Others

Date: 11 February 2025. Applications: no. 60220/16 and 83 others.

The ECtHR examined access to a court for applicants whose membership of the Court of Cassation had been terminated by Law no. 6723. The Government argued that the arrangement formed part of the transition to a three-tier judicial system and that the individuals' titles and salaries had been preserved. Holding that the absence of judicial review impaired the very essence of the right of access to a court, the Court found a violation of Article 6 § 1 ECHR and awarded each applicant EUR 3,000 in respect of non-pecuniary damage.

Assessment: Security of tenure for members of supreme courts is also an important indicator of independence for other judges. This record relies on the judgment's identification and subject-matter information; it does not assert that every applicant had the same service history or was reappointed.

Documentation: Judicial finding. Sources: K58; K97, §§ 31–38 and operative provisions. For the same legislation, see case 034; for the subsequent Kaya judgment, see case 111.

098 Dismissal of Ahmet Çakmak and implementation of the Council of State judgment

Dates and proceedings: Disciplinary sanctions in 2022; final dismissal on 21 February 2024; Council of State judgment of 5 March 2025; implementation dispute in March–May 2026.

Ahmet Çakmak was dismissed from the profession after two disciplinary transfer sanctions. In its statement of 30 March 2026, the Judges’ Union reported that the dismissal had been annulled by the administrative courts but that reinstatement had not occurred. The Union emphasised that implementation of judgments is an integral part of access to justice.

Subsequent development — implementation dispute in 2026

The report of 14 May 2026 provides further detail: the Fifth Chamber of the Council of State reviewed the conduct underlying the second disciplinary transfer on which dismissal rested and annulled the dismissal. According to the report, on 1 April 2026 the HSK finalised a dismissal decision while, on the same day, revoking the transfer sanction addressed by the Council of State judgment; it nevertheless ruled that there was no need to decide on reinstatement. The new dispute was reported to be ongoing.

The issue is not confined to the original disciplinary grounds. The record examines whether the practical effect of judicial annulment was neutralised by new or continuing measures. Since the complete case and decision numbers of the Council of State and HSK decisions were unavailable, the news account is not presented as a final determination of the entire proceedings. The Union’s statement and the subsequent report document different stages.

Documentation: Direct union statement and news report describing documentary content. Sources: K113, K114.

099 Reassignment of Fatih Kapan following his order to release Ayşe Barım and his retirement

Dates: February–August 2025. **Location:** İstanbul Eighth Criminal Court of First Instance.

According to İsmail Saymaz’s report of 9 August 2025, Judge Fatih Kapan ordered talent manager Ayşe Barım’s release on an application concerning her detention. Following a prosecution objection, the İstanbul Twentieth Assize Court set that decision aside. The release order therefore did not result in actual and lasting release. [K162]

The same report described Kapan’s assignment to a consumer court, an examination/investigation against him, the leave and written-defence process, and his retirement before the summer appointment decree. The Antalya Bar Association also criticised the post-release reassignment and departure from the profession from the perspective of judicial security of tenure. [K162; K163]

Assessment: As in Nimet Demir’s case, the judicial decision, reassignment and departure from the profession should be monitored together. No conclusion can be drawn that a “compulsory retirement sanction” was imposed; the issue is the judge’s decision to retire following professional measures. The full reassignment decision number, the final investigation outcome and the official retirement date could not be established from these sources.

Documentation: By-lined contemporaneous news report and bar association statement. Sources: K162, K163.

100 International scrutiny following Ekrem İmamoğlu’s detention

Dates: March–9 April 2025. **Institution:** Parliamentary Assembly of the Council of Europe.

The detention of İstanbul Metropolitan Mayor Ekrem İmamoğlu was addressed in PACE Resolution 2597 of 9 April 2025 in the context of democracy and human rights in Türkiye. The Assembly expressed concern about measures against the political opposition and the independence of the judiciary.

Assessment: Detention of a leading political competitor requires rigorous scrutiny of the evidence, necessity and political purpose. PACE’s assessment is not an acquittal or conviction in respect of the alleged offences. This record shows why international scrutiny was engaged in 2025; it does not purport to state the complete procedural and enforcement position of the case as at 10 October 2026.

Documentation: International political monitoring resolution. Source: K35, particularly §§ 1–3 and 9.

101 Changes to the duties of Recep Şendil and Gün Yazıcı during İmamoğlu’s diploma-annulment litigation

Date: 20 June 2025. **Institution:** İstanbul Fifth Administrative Court.

In Ekrem İmamoğlu’s administrative challenge to the annulment of his diploma, the panel’s duties changed at the stage when the court had requested documents from the relevant institutions. The contemporaneous report linked the appointments of President Recep Şendil and member Gün Yazıcı to those ongoing proceedings. [K167]

HSK administrative judiciary appointment decree no. 964 confirms the transfer of Şendil from an İstanbul administrative court presidency and Dr Gün Yazıcı from membership of an İstanbul administrative court to membership of the İstanbul Regional Administrative Court. The entries are numbered 24 and 102 respectively. Both appointments were within İstanbul; they cannot be described as exile to another city. [K166]

Assessment: Changes to a panel reviewing a sensitive administrative measure while proceedings are ongoing should be assessed in terms of the right to the lawful judge and continuity of the case. The appointment document does not explain the earlier evidential requests or the reasons for the appointments. These administrative proceedings are kept separate from the criminal diploma case and Ali Doğan’s transfer.

Documentation: Official HSK annex and contemporaneous news report. Sources: K166, K167.

102 Judgment on Selahattin Demirtaş's subsequent period of detention

Date: 8 July 2025. Application no. 13609/20, fourth application.

Demirtaş's detention beginning on 20 September 2019 was the subject of a separate ECtHR application. The ECtHR found violations of different provisions of Article 5 ECHR concerning the absence of reasonable suspicion, the lack of relevant and sufficient reasons for continued detention, access to the file and the speed of review before the Constitutional Court. It also found a violation of Article 18 taken in conjunction with Article 5 § 1 on account of the political purpose pursued.

Assessment: Where detention continues through new measures after an earlier judgment finding violations, the reasons for the new measures require separate examination. The 2020 Grand Chamber judgment and this judgment do not concern the same application. The findings of violations must be assessed by reference to the operative provisions of each judgment.

Documentation: Judicial finding. Sources: K77; K98, official judgment summary. For the earlier Grand Chamber case, see case 065.

103 Assignment of Mehmet Can Kozan to a labour court following his dissent in favour of acquittal

Dates: 16 July–8 August 2025. **Institution:** İstanbul Fourteenth Assize Court.

In Ekrem İmamoğlu's trial over remarks about Akın Gürlek, member Mehmet Can Kozan dissented from the judgment of 16 July 2025 and voted for acquittal. The contemporaneous report recorded media targeting of the judge after his dissent and the subsequent reassignment of his duties. [K165]

The first-region annex to HSK standing-assignment decision no. 1231 of 8 August 2025 shows that Kozan, personnel registration no. 234500, was assigned to the İstanbul Forty-Fifth Labour Court. His move from a criminal panel to a labour court is thus supported by an official assignment list as well as a news account. [K164]

Assessment: Dissent is an exercise of judicial independence within a panel. Changing a judge's field of work and court a few weeks after a dissent may create a chilling effect through the professional consequences of a decision. Since the official annex contains no individual reasons, a punitive motive remains a matter requiring separate documentation.

Documentation: Official assignment annex and contemporaneous account. Sources: K164, K165.

104 Reassignment of Ayhan Parmaksız and Ünsal Bayav after release orders in the İzmir İZBETON cases

Dates: Release orders in 2025; standing-assignment decision of 8 August 2025. **Location:** İzmir.

The Antalya Bar Association publicised changes to the duties of the judges of the İzmir Seventeenth and Twenty-Eighth Criminal Courts of First Instance following release

orders in the İZBETON investigation. The statement argued that responding to judicial discretion through professional measures also placed pressure on other judges. [K163]

The annex to HSK decision no. 1231 identifies the officials concerned: Ayhan Parmaksız, personnel registration no. 31441, moved from the Seventeenth Criminal Court of First Instance to membership of the Eighteenth Assize Court; Ünsal Bayav, personnel registration no. 37593, moved from the Twenty-Eighth Criminal Court of First Instance to membership of the Fourth Assize Court. Both entries appear on page 54 of the same annex. [K164]

Assessment: The measures were changes of judicial assignment and court within the same courthouse, not transfers to another province. The case shows that a judge's removal from the cases being heard may raise independence concerns even where the geographical location remains unchanged. The two judges are considered within the same group of measures and have not been separated to increase the case count.

Documentation: Official HSK annex and bar association statement. The full release decisions and the individual reasons for reassignment are not available in this file. Sources: K164, K163.

105 Two hundred and thirty-nine applications in Demirhan and Others

Date: 22 July 2025. Applications: no. 1595/20 and 238 others.

The ECtHR found violations in applications connected with the legality and fair-trial issues addressed in Yalçınkaya. The official announcement reported findings under Article 7 and Article 6 § 1 ECHR for 239 applicants. The case shows that the earlier Grand Chamber assessment was not a dispute relevant only to one individual.

Assessment: Applying the same legal approach across many convictions increases the need for effective individual examination. The figure is not the total number of all such cases or all violations in Türkiye. The judgment concerns the guarantees of legality and fairness in the proceedings examined, not the judges' personal political affiliations.

Documentation: Judicial finding. Source: K31, official ECtHR judgment announcement; related judgment K29.

106 Non-implementation of the first Constitutional Court judgment concerning Tayfun Kahraman

Dates: First judgment, 31 July 2025; second judgment, 2 April 2026; publication, 6 October 2026.

In Tayfun Kahraman's application no. 2023/98215, the Constitutional Court found a violation of the right to a fair trial. Failure to implement that judgment became the subject of a second application, no. 2025/57667. In the second judgment, the Constitutional Court held that the right of individual application and the right to a fair trial had been violated and remitted the judgment to the İstanbul Thirteenth Assize Court for a retrial. It also awarded TRY 100,000 in non-pecuniary damages and directed that the judgment be sent to the HSK and the Ministry of Justice.

Assessment: Failure to implement the first judgment deprived the constitutional application of its effect. Delivery of the judgment on 2 April, publication in the Official Gazette on 6 October and the notification letter sent to the relevant court on 8 October are separate acts. The documents accessed are insufficient to verify that a retrial had actually opened or release had occurred by 20 October 2026. That limitation is not an assertion that no action was taken in a court file that has not been examined.

Documentation: Judicial finding. Sources: K75–K76; K84, particularly the operative provisions.

Notification letter of 8 October and statement of 12 October

The image published in the press of the Constitutional Court Secretary General's letter of 8 October 2026, no. 2025/57667, addressed to the İstanbul Thirteenth Assize Court, was examined. The letter notified the court of the requirements of the judgment of 2 April. It explained that, where the Constitutional Court orders a retrial following a violation, the relevant court has no discretion to determine whether grounds for reopening exist and must act without awaiting a fresh application by the parties. It also requested notification to the Constitutional Court of the new case number or any action taken under the existing file. The letter is not a separate new judgment finding a violation. [K182, K194]

In his statement published on 12 October 2026, Kahraman said that he was awaiting the opening of the retrial process. The applicant's statement shows that the question of effective implementation remained live; it does not replace a subsequent judicial measure. The documents to seek in follow-up are the court's decision on the retrial and the current measure establishing his liberty status. [K183]

107 Aysel Tuğluk's detention and the finding of a political purpose

Date and application: 14 October 2025; ECtHR application no. 71757/17.

The ECtHR examined Aysel Tuğluk's detention in connection with her political activities and statements. It found violations of Article 5 §§ 1 and 3 concerning reasonable suspicion and continued detention, Article 10 concerning freedom of expression, and Article 18 taken in conjunction with Article 5 § 1 concerning the purpose of the deprivation of liberty.

The judgment did not rest solely on the fact that a politician had been detained. The ability of the specific evidence to establish criminal suspicion and the political context were examined together. The case is therefore included among judgments expressly finding a political purpose and distinguished from cases such as Sabuncu, in which no Article 18 violation was found.

The judgment has not been used as though it resolved every sentence-enforcement issue concerning Tuğluk's health or all subsequent procedural measures. Its significance for this record is that the Court legally assessed the restriction of liberty's effect on political pluralism.

Documentation: ECtHR judgment and operative provisions. Source: K126.

108 Transfer of Ali Doğan to Kahramanmaraş during the criminal diploma trial

Dates: September–December 2025. **Institution:** İstanbul Fifty-Ninth Criminal Court of First Instance.

Ali Doğan, who was hearing the criminal proceedings concerning Ekrem İmamoğlu’s diploma, was targeted by certain media outlets after the first hearing on 12 September 2025. The contemporaneous report described measures concerning the defence’s participation and a larger courtroom as the context for the controversy. On 28 November, it was reported that Doğan had been appointed to the Kahramanmaraş Thirteenth Criminal Court of First Instance. [K168]

A subsequent report of 8 December stated that Doğan had objected to the transfer. This shows that the judge also contested the appointment; it does not establish that the objection was either upheld or dismissed. [K169]

Assessment: The alleged interference arose during the conduct of ongoing criminal proceedings, rather than after an acquittal. It must not be confused with changes to the administrative court panel reviewing annulment of the diploma. As the relevant entry in the official appointment annex could not be independently matched in this record, the posting information is attributed to the contemporaneous report.

Documentation: Contemporaneous accounts of the appointment and objection. **Sources:** K168, K169.

109 Change of judge after the acquittal in İmamoğlu’s procurement case

Dates and locations: 24 October–15 December 2025; Büyükçekmece Tenth Criminal Court of First Instance and İstanbul Regional Court of Appeal.

An acquittal was delivered on 24 October 2025 in proceedings concerning a procurement during İmamoğlu’s term as Mayor of Beylikdüzü. According to the contemporaneous report, the judge who delivered the decision was appointed to Kahramanmaraş under the decree of 28 November. On the prosecution’s appeal, the file had been sent on 21 November to the Thirteenth Criminal Chamber of the İstanbul Regional Court of Appeal; a change in that chamber’s presidency was also reported.

The report emphasised a connection between the judge arriving at the appeal chamber and the panel that had upheld a conviction in another İmamoğlu case. As the names and all standing-assignment documents could not be verified together, no personal motive has been attributed on the basis of that connection.

This is not the same case as Hüseyin Zengin’s reassignment in 2022. It concerns a procurement allegation, an acquittal and subsequent first-instance and appellate assignments. The reason for a separate record is the existence of distinct proceedings and a different post-acquittal measure, not the multiplication of entries around the same individual’s name.

Documentation: Contemporaneous news report of 15 December 2025. **Source:** K129.

2026

110 Lack of access to judicial review of transfer and disciplinary measures in Şahin and Others

Date: 22 January 2026. Applications: no. 3785/16 and eight others.

The ECtHR again addressed judges' and prosecutors' inability to challenge transfer and disciplinary measures before a court. It examined the guarantee of access to a court and judicial review of professional measures. As nine application records do not automatically represent nine distinct individuals, the number of applications has not been converted into a headcount.

Assessment: The recurrence before the ECtHR of a similar issue after Bilgen and Eminağaoğlu shows the need to monitor the gap in review of judicial officers' career measures. The measures themselves and the inability to reach a court capable of reviewing them are separate allegations of violations.

Documentation: Judicial finding concerning access to a court. Source: K60, particularly §§ 7–10 and the judgment annex.

111 Termination of the terms of office of Kaya and Others

Date: 10 February 2026. Applications: no. 3715/17 and three others.

The ECtHR examined the termination of the applicants' supreme-court offices under Law no. 6723 and the judicial remedies available against the measure. The Government submitted explanations based on restructuring and preservation of certain aspects of professional status. The Court focused on the inability to have the dispute examined by an independent court.

Assessment: Retention of salary or professional status does not entirely remove the effects of removal from a particular judicial office. Security of tenure and review of removal are separate safeguards protecting judicial independence.

Documentation: Judicial finding under Article 6 § 1 ECHR. Source: K59, particularly §§ 17–23. Read together with case 034 concerning the 2016 measure.

112 UN communication concerning admission interviews for the judiciary

Date: 12 March 2026. Document: AL TUR 4/2026.

The UN Special Rapporteur on the independence of judges and lawyers transmitted to the Turkish authorities allegations concerning merit and political influence in admission and interview procedures. The communication was an international scrutiny measure requesting explanations about selection criteria and procedural safeguards for applicants.

Assessment: How judges are selected cannot be separated from the environment in which they subsequently decide cases. This document is not, however, a judgment finding a violation. The record documents referral of the allegations to a UN mechanism and a request for information from the authorities; it does not claim to prove that all interviews were politically directed.

Documentation: Official UN communication containing allegations and a request for information addressed to the state. Source: K63.

113 Changes to the duties of Antalya Chief Public Prosecutor Yakup Ali Kahveci and Deputy Chief Public Prosecutor Mehmet Akif Katırcı

Dates: 18 March 2026; report concerning pressure allegations on 26 March 2026.

According to DHA's report on HSK decision no. 456, Yakup Ali Kahveci was transferred from Chief Public Prosecutor of Antalya to Deputy Chief Public Prosecutor at the Antalya Regional Court of Appeal. Mehmet Akif Katırcı moved from Deputy Chief Public Prosecutor of Antalya to a prosecutor's post at the same regional court. Fatih Kocaman was appointed Chief Public Prosecutor of Antalya. [K171]

Medyascope's subsequent investigation linked the changes to the Muhittin Böcek investigation and allegations of political pressure. The report alleged resistance to requests for additional measures on the ground that sufficient evidence was lacking. That explanation derives from unnamed sources; it cannot be stated as the official reason accepted by the HSK. [K172]

Assessment: Changes at chief-prosecutor level may affect the direction of sensitive investigations and the distribution of prosecutors' duties. The changes of office and the allegation of political pressure explaining them have different levels of verification. No conclusive finding of instruction or unlawfulness is made without the individual reasons and statements of those concerned.

Documentation: Agency report describing the decree and a by-lined investigative report. Sources: K171, K172.

114 Removal of the prosecutor from the İzmir Örnekköy cooperative investigation

Date: News report of 25 March 2026. Institution: İzmir Chief Public Prosecutor's Office.

According to Cumhuriyet, the prosecutor who had conducted the embezzlement investigation concerning the Örnekköy cooperative for approximately two years was removed from the file and replaced by two prosecutors. Lawyers Murat Aydın and Defne Soyer objected to replacing the prosecutor familiar with the case and discussed the measure's effect on the assessment of the investigation. As the report did not disclose the prosecutor's name, no name has been inferred here. [K170]

The measure was neither dismissal from the profession nor an HSK transfer to another province; it was a change in case allocation within the chief public prosecutor's office. Because there are different investigations and prosecutions connected with İZBETON, release in another file cannot be interpreted as automatically ending detention in this investigation.

Assessment: Replacing the prosecutor at an advanced stage of an investigation requires examination in terms of continuity and safeguards for decision-making. Although the criticisms of those concerned can be documented, the complete assignment letter and reasons were unavailable; a punitive character has therefore not been conclusively established.

Documentation: By-lined contemporaneous report and statements by identified lawyers. Source: K170.

115 Individual criminal responsibility and retrial in Şaban Yasak

Date and application: 5 May 2026; no. 17389/20. ECtHR Grand Chamber. The judgment is final under Article 44 § 1 ECHR. Domestic retrial: Çorum Second Assize Court.

Şaban Yasak had been sentenced to seven years and six months' imprisonment for membership of an armed terrorist organisation. In its judgment of 27 August 2024, the ECtHR Chamber had found no violation of Articles 7 and 3. Re-examining the case, the Grand Chamber found violations on 5 May 2026 by eleven votes to six under Article 7 and nine votes to eight under Article 3. The binding outcome of the case is the Grand Chamber judgment. [K195; K198]

Legality and individual responsibility: The Court found that the applicant's educational activities had not been shown concretely to establish that he knew of the organisation's violent aims and knowingly participated in them. In particular, his knowledge, intent and role at the time of the activities had to be explained. Reliance on a wider range of evidence than in Yalçınkaya did not remove the obligation to establish the material and mental elements of the offence individually. The judgment's relevance therefore cannot be confined to cases involving allegations of ByLock use. [K195, §§ 198–214]

Conditions of detention: The combined effects of prolonged overcrowding at Çorum Prison, the absence of an individual bed for approximately fourteen months and other living conditions gave rise to a violation of Article 3. The Court awarded EUR 2,800 in non-pecuniary damages for that violation and EUR 9,050 for costs and expenses. [K195, §§ 246–261; K198]

Retrial and implementation: The Grand Chamber identified reopening under Article 311 § 1 (f) of the Code of Criminal Procedure as the most appropriate redress for the Article 7 violation, provided that it was conducted diligently and in full conformity with the judgment's findings. According to the hearing report of 17 October 2026, the first hearing had taken place before the Çorum Second Assize Court, witnesses had been heard and the case had been adjourned to 8 December for the remaining witnesses. This stage shows that the retrial had begun; it does not establish that the violation had been remedied or that an acquittal had been delivered. The hearing information rests on a news account and does not replace a reasoned final judgment. [K195, § 254; K197]

Assessment: Monitoring should focus on the concrete facts used to assess the applicant's intent and individual role at the relevant time, rather than solely on the formal reopening of proceedings. The connection of witness testimony to that standard, the response to the defence's substantive objections and the consequences of the judgment must be examined together. Redress for prison conditions and payment of

compensation should also be tracked separately from the reconsideration of the conviction.

Documentation: Full Grand Chamber judgment and ECtHR Registry announcement; contemporaneous report for the domestic hearing. Sources: K195, K197, K198.

116 Termination of Samet Kaya's service on health grounds

Date: 26 May 2026. Application no. 42109/22.

The ECtHR examined Samet Kaya's access to a court to challenge the termination of his professional service on health grounds. It assessed the deficiency in judicial review of the dispute. This case differs from Oktay Alkan's non-admission case; it concerns termination of a serving individual's duties for health reasons.

Assessment: Administrative reliance on a health assessment does not extinguish the affected judicial officer's judicial protection. The accuracy of the medical report and the conditions of service are distinct from the right to contest them before a court. The judgment is significant for the latter safeguard.

Documentation: Judicial finding under Article 6 § 1 ECHR. Source: K61, particularly §§ 46–58.

117 Five hundred and ninety-five applications in Kılıçarslan and Others

Date and applications: 23 June 2026; no. 16234/18 and 594 others.

The ECtHR examined convictions for organisational membership based on ByLock use in connection with Yalçinkaya and Demirhan. The applicants challenged the collection and presentation of evidence, the opportunities to contest it and the adequacy of the reasoning. The Court held that Article 7 and Article 6 § 1 had been violated.

The 595 applications represent examination of a similar adjudicative approach across many specific files, rather than a single person's case. It is not asserted that all applicants were judges or prosecutors. Unlike the section on the detention of judicial officers, this group is considered in terms of individualised assessment of criminal responsibility and defence safeguards.

The judgment's function in this report is to show that similar violations continued to be examined after earlier major judgments. A separate narrative for each applicant would require the domestic court file as well as the judgment annex. This record explains the common reasoning and the scale of grouped applications; it does not claim to provide 595 separate detailed case accounts.

Documentation: ECtHR judgment, particularly §§ 6 and 13–14. Source: K128.

118 Replacement of the president and members of the Ankara Thirty-Second Assize Court

Dates and location: 12 June–17 July 2026; Ankara Thirty-Second Assize Court.

Following the appointment of Court President Nurullah Emlik as President of an Ankara Batı Assize Court under the HSK's principal ordinary judiciary decree of 12 June 2026, confirmed by entry 1123, Çağrı Canca was appointed to the presidency. The

contemporaneous report stated that members Ayşe Genç and Aslı Öztürk moved to the Ankara Fourth Commercial Court and Ankara Ninety-Third Criminal Court of First Instance respectively, and that Aysel Erzin, Ahmet Yumuşak and Merve Önal were assigned as new members.

The court's docket included the proceedings concerning unlawful acquisition of Sinan Ateş's personal data and the Ayhan Bora Kaplan case following an appellate quashing decision. This record is not presented as concerning the substantive Sinan Ateş murder trial; the discrepancy between the news report's general headline and its detailed description of the case has been resolved.

Replacement of an entire panel within a short period should be examined in terms of continuity of proceedings and the right to the lawful judge. No judicial decision establishing the unlawfulness of these changes was obtained, however. The verified matter is the panel change identifying individuals and their new duties; a punitive purpose has not been conclusively established.

Documentation: Official HSK list, entry 1123, for the president's new title; news report of 17 July for members and case details. Sources: K67, K119. The post in the official list is used instead of the generic title in news reports.

119 Five hundred and ninety-one applications in Ünal and Others

Date and applications: 29 September 2026; no. 61641/19 and 590 others.

The ECtHR examined the defence's ability to challenge evidence effectively in convictions in which ByLock data was decisive. The judgment also lists different categories of additional evidence; it should therefore not be said that every file contained only one item of evidence. The central issue was effective adversarial proceedings and adequate reasoning concerning the information on which the convictions rested.

The Court held that Article 6 § 1 had been violated. It found it unnecessary to examine the admissibility and merits of the other complaints. In particular, the judgment cannot automatically be presented as also finding an Article 7 violation merely because it follows the Yalçinkaya line of cases. The operative provisions themselves have been used.

The judgment of 29 September 2026 covers 591 applications. The finding of a violation was considered sufficient just satisfaction in itself for non-pecuniary damage.

Documentation: ECtHR judgment and operative provisions. Source: K140.

120 Three hundred and forty-five applications in Parun and Others

Date and applications: 29 September 2026; no. 9991/20 and 344 others.

Parun and Others concerns a group of applications separate from Ünal, delivered on the same day. The Court considered the assessment of ByLock evidence in convictions for organisational membership and the safeguards enabling the defence to challenge that evidence. The judgment's coverage of 345 applications is significant for the scale of recurring examination defects.

The ECtHR found violations of Article 7 and Article 6 § 1 and did not separately examine the remaining complaints. In that respect it differs from Ünal, decided on the same day. Presenting the combined number of applications in these judgments as a nationwide count of unique victims would require matching names and application numbers against the annexes to other judgments. This research does not assert such an aggregate population figure.

Documentation: ECtHR judgment and application annex. Source: K141.

121 Detention of a journalist and freedom of expression in Müyesser Uğur

Date and application: 6 October 2026; no. 45738/22. ECtHR Second Section, Chamber. Finality is subject to the conditions in Article 44 § 2 ECHR; it had not been verified as at 20 October 2026.

The Court examined journalist Müyesser Uğur's detention for approximately five months in 2020 in connection with her reporting on military activities and security matters. While recognising the state's interest in protecting national security and confidential information, it emphasised that this interest had to be balanced concretely against the journalist's freedom of expression.

Finding the interference with freedom of expression caused by detention disproportionate, the ECtHR unanimously held that Article 10 had been violated. It declared the Article 5 liberty complaints admissible but found it unnecessary to examine their merits separately. The judgment has therefore not been counted as a separate finding of a violation of Article 5. EUR 7,500 was awarded in respect of non-pecuniary damage.

Assessment: The record illustrates the effect of detention imposed on security grounds on journalistic activity and the courts' duty to give specific reasons. The violation concerns the proportionality of the measure; it has not been generalised into a conclusion that all investigations against journalists are unlawful.

Documentation: Judicial finding. Full HUDOC judgment, particularly §§ 84–101 and operative provisions. Source: K184.

122 Reasonable suspicion and grounds for detention in Adalet Kaya

Date and application: 13 October 2026; no. 17010/21. ECtHR Second Section, Committee; the judgment is final.

The Court examined the detention of Adalet Kaya, President of the Rosa Women's Association, from 23 May to 18 August 2020. The allegation was membership of the PKK. The material assessed included an anonymous witness's account, association activities, publications, banners, speeches and meetings.

The ECtHR held that Article 5 § 1 had been violated because the abstract witness account lacked objective support and the activities cited did not establish reasonable suspicion of organisational membership. It also held that the right under Article 5 § 3 had been violated in relation to continued detention. It awarded EUR 4,000 in non-pecuniary damages and EUR 1,000 for costs and expenses.

Limits of the findings: Two complaints under Article 5 § 4 were declared inadmissible on different grounds; no violation of that provision was found. The Court considered a separate examination of Article 18 unnecessary. The judgment has therefore not been described as separately establishing a violation concerning political purpose.

Assessment: A concrete connection must be established between associational activity and expression, on the one hand, and a criminal accusation, on the other. The record contributes to the independence analysis through the duty of a judge reviewing a detention request to test general allegations against individual facts.

Documentation: Judicial finding. Full HUDOC judgment, §§ 26–46 and operative provisions. Source: K185.

123 Continued detention in twenty-six applications in Ocak and Others

Date and applications: 13 October 2026; no. 54358/19 and 25 others. ECtHR Second Section, Committee; the judgment is final.

The ECtHR examined the reasons for detention continuing after the state of emergency. Domestic decisions relying on general formulations such as the nature of the offence, the state of the evidence, inclusion among offences carrying a statutory presumption in favour of detention, and risks of flight or interference with evidence did not replace relevant and sufficient reasons specific to each applicant. Nor had the inadequacy of alternative measures been demonstrated concretely.

The Court held that the right under Article 5 § 3 had been violated in all 26 applications. It found it unnecessary to examine separately the Article 5 § 1 complaint concerning initial detention or the other Article 5 complaints. The judgment has not been counted as separately determining the absence of reasonable suspicion. Each applicant was awarded EUR 1,500 jointly covering damage and costs and expenses.

Assessment: The grouped examination makes the problem of individualised detention review visible. Twenty-six applications do not mean 26 new case records in this report or a nationwide total of 26 unique victims; this judgment constitutes one case record.

Documentation: Judicial finding. Full HUDOC judgment, §§ 14–26, operative provisions and application annex. Source: K186.

124 Recording of prison visits and judicial review in Cengiz

Date and application: 13 October 2026; no. 25406/22. ECtHR Second Section, Chamber. Finality is subject to the conditions in Article 44 § 2 ECHR.

The Court examined the monitoring and audio-recording, over one year, of the applicant's non-contact prison visits with family members. In assessing the aims of prison security and prevention of crime, it held that the individual necessity and duration of the interference had to be reviewed.

According to the ECtHR, the administration had applied the general rule without individualising the person's situation; the enforcement judge had confined review to the existence of a legal basis and had not adequately assessed the measure's duration or less restrictive alternatives. The Constitutional Court's brief rejection reasoning had not

remedied the defect. The Court held that Article 8 had been violated and awarded EUR 1,500 in respect of non-pecuniary damage.

Assessment: This record is not a direct finding of judges' political dependence. It shows why judicial review that fails effectively to scrutinise administrative discretion or assess individual circumstances may be insufficient to protect rights.

Documentation: Judicial finding. Full HUDOC judgment, particularly §§ 49–69 and operative provisions. Source: K187.

125 Appointment of a trustee to Halk TV and interference with news broadcasting

Date and location: 14 October 2026; İstanbul. Record type: contemporaneous news report, reported prosecution statement and assessments by human rights organisations.

According to the contemporaneous report, police searched the Halk TV premises, trustee management took over and live news broadcasting was stopped. The İstanbul Chief Public Prosecutor's Office statement quoted in the report cited allegations against Cafer Mahiroğlu of bribery, bid rigging and laundering the proceeds of crime as the basis for the investigation. The prosecution stated that related companies had been seized by order of a criminal judgeship of peace and that the Savings Deposit Insurance Fund (TMSF) had been appointed trustee. The statement does not mean that the allegations had been established by a conviction. [K190]

In statements issued that day, the Human Rights Association (İHD) and Amnesty International criticised the interference from the perspective of press freedom and called for independent broadcasting to be restored. These are the organisations' assessments and demands, not a final Constitutional Court or ECtHR judgment finding a violation. [K191–K192]

Assessment and limitation: The existence of a financial-crime investigation and the necessity of interfering with a broadcaster's news production must be assessed separately. The full reasoning of the trusteeship decision, the scope of the measure and the outcome of any objection were not among the documents accessed. It has therefore not been asserted as an established fact that the decision was politically instructed. Monitoring should focus on proportionality and on independent, effective and timely review of the objection.

Documentation: News report quoting the prosecution statement; direct statements by İHD and Amnesty International. Sources: K190–K192.

126 Different fair-trial outcomes for two convictions in Güray Gür

Date and application: 20 October 2026; no. 33372/19. ECtHR Second Section, Chamber. The judgment was notified on this report's cut-off date; finality is subject to the conditions in Article 44 § 2 ECHR.

The ECtHR separately examined the reasons for the convictions for deprivation of liberty and sexual assault. For the first offence, it did not find arbitrary the weight given to the victim's consistent account and corroborating material; it held that Article 6 § 1 had not been violated.

For the sexual-assault conviction, however, it held that Article 6 § 1 had been violated because changes in the decisive account had not been discussed by the trial court and that omission had not been remedied by the higher courts. The Court did not state that reliance solely on a victim's testimony was prohibited; it required substantive objections to decisive evidence to be answered with relevant and sufficient reasons.

Limits of the findings: The finding of a violation is not a determination that the applicant was innocent or wrongly convicted. The Court identified a retrial complying with fair-trial requirements, if requested, as appropriate redress. No monetary award was made because no duly submitted claim for just satisfaction had been lodged. The case contains no finding of political purpose or a violation of institutional independence.

Documentation: Judicial finding. Full HUDOC judgment, §§ 44–60 and operative provisions. Source: K193.

Grouped judgments and the scale of applications

The table shows the scale of applications in the grouped ECtHR judgments addressed in this report. Numbers of individuals, applications and case records are different; no nationwide total of violations or unique victims has been derived.

Judgment and date	Applications	Principal issue examined and source
Turan 23 Nov 2021	427	Lawfulness of initial detention; K23
Acar 28 Jun 2022	50	Reasonable suspicion at initial detention; K105
Ataman 6 Sep 2022	31	Professional procedural safeguards; K106
Geleş 6 Sep 2022	70	68 distinct individuals; two duplicate applications; K107
Sevinç 18 Oct 2022	135	Lawfulness of initial detention; K103
Güngör 13 Dec 2022	82	Reasonable suspicion; 16 former judicial officers; K104
Kılınçlı 11 Jul 2023	13	Lawfulness of initial detention; K108
Demiryürek 14 Jan 2025	42	Termination of HSYK duties and Article 6; K96
Tosun 11 Feb 2025	84	Supreme-court office and access to a court; K97
Demirhan 22 Jul 2025	239	Legality of convictions and fair-trial rights; K31
Kılıçarslan 23 Jun 2026	595	Articles 7 and 6 § 1; K128
Ünal 29 Sep 2026	591	Article 6 § 1; other complaints not examined; K140
Parun 29 Sep 2026	345	Articles 7 and 6 § 1; K141
Ocak 13 Oct 2026	26	Article 5 § 3; Article 5 § 1 not separately examined; K186

Counting limitation: The two duplicates in Geleş show the concrete risk of equating application numbers with headcounts. The same person may apply again in different years concerning different violations. The table’s total has therefore not been presented as a count of “unique victims”. Furthermore, applications concerning the detention of

judicial officers and applications concerning criminal proceedings against persons from different professions do not represent the same applicant group.

Measures verified by HSK documents and limits of the review

HSK activity reports, principal appointment-decree annexes and standing-assignment annexes provide different types of information. An activity report shows the annual volume of appointment and disciplinary work; it generally does not explain why a particular judge was transferred. Lists identifying individuals confirm their former and new posts. These sources should be used together, without converting total appointment numbers into numbers of instances of interference.

The source set includes activity reports for 2015–2018 and 2019–2025, the activity-report archive, the appointment-decree archives for 2025 and 2026, and the announcements and lists for the principal 2026 decrees. As 2026 had not ended, no complete annual activity report for that year has been assumed. Principles concerning advancement in grade and assessment for first-class status were also considered to understand the framework for professional measures. [K02–K08, K51–K55, K10, K66–K71, K81]

Mustafa Karadağ: Entry 2 in the publicly available copy of decision no. 790 of 26 May 2017 records his appointment from Ankara to Şanlıurfa. Ayşe Sönmezler: The official annex to decision no. 1952 of 20 December 2018 shows her move from the Kırklareli Second to the First Assize Court. Nurullah Emlik: Entry 1123 in the ordinary judiciary list of 12 June 2026 records his appointment as President of an Ankara Batı Assize Court. The latter two records correct omissions or errors in secondary sources concerning location or title. [K111, K131, K67]

Annexes for 2022 and 2025: Decision no. 904 confirms the former and new duties of Nimet Demir, Kürşad Bektaş, Halit Kılıç and Alparslan Tufan; assignment annex no. 1231 confirms the changes of court for Mehmet Can Kozan, Ayhan Parmaksız and Ünsal Bayav; and administrative judiciary annex no. 964 confirms the appointments of Recep Şendil and Gün Yazıcı. These documents allow transfers to another province to be distinguished from reassignment within the same courthouse. [K155, K164, K166]

The Judges' Union's statement of 13 June 2026 assessed 4,608 ordinary judiciary and 359 administrative judiciary appointments and criticised measures it alleged were involuntary and punitive. Those figures describe the scope of the decree examined by the Union; they are not findings of 4,967 separate unlawful transfers. Such a conclusion cannot be reached without the individuals' preferences, lengths of service and the reasons for the measures. [K120]

For the 2014–2015 administrative court panels, the 2015 Ankara criminal judgeship-of-peace measures, and the 2017 Malatya and Çanakkale panels in particular, the missing document is generally the fully reasoned individual appointment or assignment file. Some HSK annexes show only the new assignment. Dismissal, suspension, temporary assignment, transfer to another province and reassignment within the same courthouse have not been reduced to a single category of "removal from office".

Issues emerging from the cases as a whole

The cases show recurring temporal relationships between judicial decisions and professional measures. Judges who order release or acquittal subsequently facing transfer, reassignment or examination form part of that pattern. The purpose of every measure has not been established to the same evidential standard. In Başer and Özçelik, Baş, Tercan and the grouped ECtHR cases, however, judicial findings establish violations of safeguards protecting liberty.

The access-to-court cases show another problem: excluding professional measures taken by the HSK or by statute from judicial review. Kartal, Demiryürek, Bilgen, Eminağaoğlu, Oktay Alkan, Tosun and Samet Kaya concern different measures. Preservation of salary or judicial status does not remove the need to obtain review of removal from a particular office.

Non-implementation of judgments finding violations, or responses confined to formal steps, prevents effective redress. Alpay, Mehmet Hasan Altan, Berberoğlu, Atalay, Demirtaş, Kavala and Kahraman highlight the consequences of judgments for liberty and the exercise of rights; Yalçınkaya and Yasak highlight whether retrials comply with the grounds of violation. Implementation must be assessed through each case's judicial decisions, reasoning and concrete outcomes.

The cases reveal two different evidential levels: specific ECtHR and Constitutional Court rulings finding violations, and documented measures concerning transfers, reassignments and investigations. In the second group, individual reasons are often undisclosed, so verification that duties changed must be distinguished from conclusive establishment of a political motive. Nimet Demir and Fatih Kapan illustrate the need also to monitor processes extending from a judicial decision to departure from the profession.

Yalçınkaya and Yasak establish a common standard of legality requiring individualised criminal responsibility. Failure to implement a release order, continuation of the same legal defect in a retrial and loss of professional safeguards for the deciding judge are different problems. Monitoring them together enables assessment of the practical effect of binding judicial review. [K29, K195]

Priorities for monitoring and redress

Yalçınkaya and related cases: Priority should be given to the reasoning and outcome of the appeal before the Court of Cassation and to refusals to reopen similar cases. Examination should focus on whether ByLock findings automatically lead to an inference of membership, individual proof of the elements of the offence, the defence's ability to contest digital evidence and the assessment of lawful associational activities. Numbers of retrials and acquittals should be considered together with the reasons for the decisions. [K29, K153, K196]

Şaban Yasak: In the Çorum retrial, scrutiny should address whether a concrete connection is established between witness accounts and the applicant's knowledge, intent and individual role during the relevant period of activity. Opening a hearing is not a sufficient criterion for redress. Alongside the reasoned judgment and appellate

outcome, payment of compensation for the Article 3 violation and measures preventing recurrence of similar prison conditions should be monitored separately. [K195, K197]

Liberty and binding judgments: In Kavala, Demirtaş, Can Atalay and Tayfun Kahraman, transmission of the judgment finding violations to the relevant court, the decision on retrial or release and the practical effect on liberty should be assessed together. Review should focus on whether new grounds for refusal perpetuate the defect that the binding judgment required to be remedied. [K24–K25, K27, K73–K77, K179–K183]

Safeguards for judicial officers: Effective access to judicial review is the priority in Bilgen, Eminağaoğlu, Kartal and similar cases concerning professional measures. Where changes of duties are reported after release decisions or dissents, priority should be given to the individual reasons and the outcome of challenges. Promotion and transfer numbers alone should not be used as indicators of either success or interference. [K18–K20, K56–K61]

Case groupings for a publication series

The following twelve topics constitute the report’s publication-series plan. Each article should consider the relevant documents and chronology together, retaining source codes and the distinction between allegations and judicial findings.

Article one: The 17–25 December investigators and the Başer–Özçelik case.

Article two: Ankara criminal judges of peace, release decisions and reassignments.

Article three: Administrative judges who decided the YouTube, Taksim, 16/9 towers and Cerattepe cases.

Article four: The İstanbul, Antalya, Malatya and Çanakkale panels in 2017.

Article five: Professional organisation representatives and freedom of expression: Karadağ, Sarısu Pehlivan, Ertekin, Eminağaoğlu and Temür.

Article six: Detention of judicial officers: Altan, Tercan, Baş and grouped ECtHR judgments.

Article seven: Non-implementation of judgments finding violations: Alpay, Mehmet Hasan Altan, Berberoğlu and Atalay.

Article eight: The sequence of judgments in Kavala and Kahraman extending into 2026.

Article nine: Criminal and administrative court panels in the İmamoğlu cases: Hüseyin Zengin, Mehmet Can Kozan, Recep Şendil, Gün Yazıcı and Ali Doğan.

Article ten: Dissent and professional consequences: Nimet Demir, Kürşad Bektaş, Halit Kılıç and Fatih Kapan.

Article eleven: Changes of duties in municipal investigations: the İzmir judges, the Örnekköy prosecutor and the Antalya chief public prosecutor’s office.

Article twelve: Implementation of Yalçınkaya and Şaban Yasak: individualised assessment of criminal responsibility, retrials and related grouped ECtHR judgments.

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K04 HSK Activity Report 2021

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K05 HSK Activity Report 2022

Reporting year 2022. 142 PDF pages; First and Second Chamber activities.

[Open source](#)

K06 HSK Activity Report 2023

Reporting year 2023. 144 PDF pages; disciplinary tables, PDF pp. 53–55.

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K07 HSK Activity Report 2024

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