MERSİN GMO INVESTIGATIONS

Political Interference in a Public Health Investigation and Allegations against Public Officials

2010-2026

Security Studies and Rule of Law Association (SRL Swiss)

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Executive Summary

This report examines public health work in Mersin, from the 2010 agricultural and import case to the 2013 investigation into paddy rice containing genetically modified organisms (GMOs), and the subsequent prosecution of the public officials involved. The central issue is how the performance of official duties became the subject of criminal proceedings in connection with allegations of political and economic interference. Laboratory findings, contacts with ministries, the destruction of records, media coverage and objections concerning defence rights are considered together.

The GMO investigation arising from paddy rice imports in late 2012 and early 2013 involved analyses and assessments by several institutions. In a process involving customs authorities, Ministry of Agriculture laboratories, the Scientific and Technological Research Council of Türkiye (TÜBİTAK) and Istanbul Technical University (İTÜ), further samples were taken and analysed after washing in response to the explanation of “contamination”. Whole-genome sequencing of paddy rice sample 22901 was also carried out at the Macrogen laboratory in South Korea on behalf of the Mersin Chief Public Prosecutor’s Office. [EK-03; EK-04; EK-07]

Telephone conversations reproduced in a defence submission allege that company representatives made approaches at the level of the Ministries of Agriculture, Economy and Justice and the Prime Minister’s Office. According to these accounts, the requests concerned the interpretation of laboratory findings, obtaining ministry letters with particular content, the release of detained persons and legislative amendments. At trial, Mahmut Arslan, a businessman and complainant in the proceedings against public officials, described contacts with ministers while denying certain specific allegations of intermediation. SRL Swiss considers that these records require independent examination of the relationship between economic interests, public health oversight and judicial independence. [EK-05; EK-15; EK-16]

The acquittals of public officials on charges relating to the GMO work, and the outcomes that became final on appeal, form the report’s principal judicial foundation. The academics Mustafa Kolukırık and Alper Tunga Akarsubaşı were also acquitted. By contrast, Mehmet Baransu was convicted of breaching confidentiality and disclosing information whose disclosure was prohibited, in connection with GMO reporting and the disclosure of documents, and of membership of an organisation, with the same flow of information also used in the reasoning for that conviction. The destruction of records is examined through statements in the indictment and documents reproduced in the defence submissions. The report calls for recognition of the consequences of the acquittals, investigation of alleged political interference and protection of public health journalism. [EK-17; EK-19–22]

1 Purpose Scope and Methodology

The report examines allegations of political interference in public health work in Mersin and the criminal prosecution of the public officials involved, by relating events and

documents to legal safeguards. It has been prepared by SRL Swiss to inform the public and for consideration by the relevant mechanisms of the United Nations and the Organization for Security and Co-operation in Europe. The criminal liability of importers, the prosecution of public officials and the penalisation of journalistic activity are treated as distinct legal processes.

The examination draws on four groups of sources: investigation and trial documents; laboratory and genetic analysis records; official administrative and judicial decisions; and scientific and international human rights sources. Hearing records, interlocutory decisions and judgment records are used to establish the chronology. Codex Alimentarius, the European Commission's Joint Research Centre (JRC) and European Union reference laboratory materials provide the technical context for sampling and GMO analysis.

1.1 Distinguishing official functions and documentary sources

Preventive intelligence gathering, assessment and transmission to the relevant units by intelligence personnel rest on powers distinct from those governing investigations conducted by the judicial police under prosecutorial direction. The defence submission in EK-15 relies on Planned Intelligence Operation (PİO) files 10-06-R 301 and 12-06-R 432, information transmission forms and institutional correspondence. The responsibility of public officials must be assessed by reference to the chain of official functions demonstrated by these records and the legal basis of each act. [EK-15]

1.2 Assessing the sources together

Judicial decisions, statements recorded at hearings and parties' defence submissions have been assessed as distinct categories of document. The first-instance reasoned judgment, the regional appellate judgment and the Court of Cassation judgment were examined directly; allegations, judicial findings and SRL Swiss's assessment are distinguished. EK-15 is a defence submission. The examination of destruction relies on statements reproduced in the indictment and the defence account in EK-17; a copy of the destruction record held in the prosecution file is not among this report's annexes. UDF judgments are cited by case reference and section or operative provision rather than by display page, which may vary.

2 Public Health and Import Control Issues Dating from 2010

The 2010 agricultural and import investigations in Mersin raise fundamental oversight questions: who took samples and by what method, how analysis requests were formulated, how laboratory findings were reflected in official reports and what documentary chain supported the completion of conformity procedures.

The copy of the police investigation summary in EK-01 alleges elevated GMO and/or sulphur dioxide results for products including dried papaya, sunflower seeds, macadamia nuts, dried apples and pears; it further alleges that certain results were not reported or that the relevant tests were omitted from subsequent sampling forms. The

same document states that, for a 156,000-kilogram consignment of popping maize, the agricultural official did not attend to take a sample; a sample obtained elsewhere was first tested as a private request, and an official sampling record was drawn up only after a negative GMO result was reported. These accounts reflect allegations in the investigation summary and are not presented here as findings established by a final conviction. [EK-01]

The origin and representativeness of a sample directly affect the reliability of the analytical result. The JRC study on GMO sampling strategies notes that sampling uncertainty may affect the entire analysis, particularly where material is present at low levels and is unevenly distributed within a consignment. Accurate laboratory analysis of a sample whose origin cannot be traced, or which does not represent the consignment, is insufficient to establish a reliable conclusion about the imported goods as a whole. (JRC85059).

3 The 2012–2013 GMO Paddy Rice Investigation and Growing Institutional Pressure

Towards the end of 2012, Mersin customs units received information that paddy rice intended for import contained GMOs and would be brought into the country after a clearance report had been obtained. The case subsequently developed into a multi-stage analytical process involving customs, the prosecution service and several laboratories.

3.1 Sampling and verification of analytical findings

The hearing account of the analytical process shows that objections prompted fresh sampling, examination after washing and requests for detailed analyses from different laboratories. At the hearing on 5 May 2017, customs official Mustafa İnan stated that the first sample had been sent to TÜBİTAK; a second sample was then taken following objections that the original sampling had not occurred in the presence of an official and that contamination was involved. According to İnan, the prosecution requested more detailed analysis after washed samples also yielded positive GMO results. [EK-07, PDF p.47]

According to Mustafa İnan's testimony, TÜBİTAK stated that it would obtain the material required for detailed analysis, which the witness called a "gene"; it subsequently reported that the material could not be obtained and did not complete the analysis. Istanbul Technical University was then approached after indicating that it could undertake detailed analysis. As the record does not explain which technical reference material the word "gene" denotes, no more specific technical meaning is assumed in this report. [EK-07, PDF pp.47–49]

3.2 The origin of the contamination explanation and the Ministry's position

According to the defence submission in EK-15, Şerafettin Memiş, an official of the importing company Memişoğlu, and persons associated with the company reached Nihat Pakdil, then Deputy Undersecretary of the Ministry of Food, Agriculture and

Livestock, through businessman Mahmut Arslan. The submission states that they sought an explanation attributing the positive results to contamination from soybeans carried on the vessel and a statement that the rice contained no GMOs. It links the National Food Reference Laboratory's (UGRL) assessment and then Agriculture Minister Mehdi Eker's statement to these contacts. At the hearing on 19 October 2015, Mahmut Arslan said that he had not discussed the report with Nihat Pakdil and answered certain questions concerning the report in the negative. [EK-15; EK-05, PDF p.34]

The issue examined here is how the differences between laboratory findings were explained and what technical data supported that explanation. The entire analytical process cannot adequately be summarised as "no GMOs" without addressing the account of positive results in washed samples and the İTÜ and Macrogen examinations. SRL Swiss considers that scientific assessments must be independent of company requests and that differing results must be compared at the levels of sampling, methodology and interpretation. [EK-03; EK-04; EK-07; EK-15]

3.3 From TÜBİTAK to İTÜ and Macrogen in South Korea

The first-instance reasoned judgment accepts that the expert appointment followed a prosecutorial request to İTÜ MOBGAM and MOBGAM's designation of the expert. Mustafa Kolukırık's report recorded findings concerning 35S, NOS, LLRICE601 and Bt63. The judgment also recounts the criticism by a subsequently constituted İTÜ panel that the experimental data did not permit a definitive conclusion on GMOs or contamination, and Kolukırık's explanation that, while defending the analyses, he had made an error in the interpretation section. Taking account of other reports with similar findings, the court acquitted him on the basis that an interpretative error did not constitute knowingly providing a false expert opinion. The acquittal therefore neither validates every technical interpretation in the report nor supports the allegation that the scientific findings were deliberately fabricated. [EK-19, reasoning, Incident 1.2 and section 56, Mustafa Kolukırık]

Paddy rice sample 22901 underwent whole-genome sequencing at Macrogen in South Korea on behalf of the Mersin Chief Public Prosecutor's Office. Whole-genome sequencing is a method intended to examine DNA sequences in a sample comprehensively. Report 1307KHS-0063 identifies the requesting institution as the Mersin Chief Public Prosecutor's Office and the sample type as paddy rice. The original English report and its certified Turkish translation are provided as separate annexes. [EK-03; EK-04]

The Macrogen table marks the targets cry2Ab, p-rAct, SPS and 18SrRNA as "Present". It classifies cry2Ab as a GMO gene-specific target, p-rAct as a rice promoter, and SPS and 18SrRNA as rice-specific internal reference genes. Detection of these four targets does not have the same scientific significance. In particular, the compatibility of the cry2Ab finding with the soybean MON 40-3-2 explanation reproduced in the defence submission requires examination. The table reports the presence of the specified sequences in the analysed sample; it does not, by itself, establish integration of a

foreign sequence into the rice genome or a particular GMO event. Sampling and delivery records must also establish that the İTÜ and Macrogen results represent the same sample chain. Empty cells should not be interpreted as an explicit “absent” result. [EK-03, PDF pp.25–27; EK-04; EK-15]

3.4 The significance of the scientific literature for this chronology

Codex Alimentarius, JRC and European Network of GMO Laboratories (ENGL) sources address sampling, sample preparation and method validation from a scientific perspective. The sample preparation guidelines JRC94042 were published in 2015; they are used here for technical explanation, not presented as binding rules in force in 2013. The European Union Reference Laboratory for GM Food and Feed (EURL GMFF) method documents for genetically modified rice such as LLRICE601 and Bt63 likewise show that genetically modified rice is amenable to scientific examination. A finding in a particular sample must be assessed separately from a claim concerning commercial circulation of the product. (Codex CXG 44-2003, CXG 45-2003 and CXG 74-2010; JRC94042; EURL GMFF).

4 Political and Administrative Interference during the GMO Investigation

Orders authorising interception of communications and technical surveillance were issued under Articles 135 and 140 of the Code of Criminal Procedure (CMK) in investigation 2013/3210 of the Mersin Chief Public Prosecutor’s Office. Company representatives’ contacts with political authorities must be assessed alongside the intercepted communications and statements made at trial. [EK-02A-H; EK-05; EK-15]

4.1 The Ministry of Agriculture and the laboratory reporting process

The defence submission in EK-15 states that Şerafettin Memiş sought support from the Ministry through Mahmut Arslan, that Nihat Pakdil was contacted and that a letter was requested explaining the positive result as soybean contamination. The same submission links these approaches to UGRL’s assessment that no GMO was detected in washed paddy rice and that the positive result related to MON 40-3-2. This account provides a basis for investigating the contacts and laboratory assessment together; it does not substitute for a conclusive judicial finding that a technical result was altered on political instructions. [EK-15]

The defence submission in EK-15 states that Şerafettin Memiş visited Mehdi Eker and that Bayram Fettahoğlu of Göze held meetings at the Ministry. It alleges that these contacts were intended to resolve problems concerning detained company executives and import procedures. [EK-15]

4.2 The Kyrgyzstan visit and contacts with the Prime Minister’s Office and Ministry of Economy

At the hearing on 19 October 2015, Mahmut Arslan explained his participation in the then Prime Minister’s visit to Kyrgyzstan by reference to his role as an industry

representative and honorary consul of Kyrgyzstan. He also stated that ministers had been contacted concerning the detained company executives and described this as work undertaken with senior state officials. The defence submission in EK-15 further recounts discussions about bringing the matter to the Prime Minister's Office through Mehmet Büyükekşi, then President of the Turkish Exporters Assembly (TİM), and requests to communicate the companies' annual turnover to Cemalettin Damlacı, Deputy Undersecretary of the Ministry of Economy. SRL Swiss considers that these accounts warrant examination in relation to allegations of economic interests and political influence in the public health case. [EK-05, PDF p.34; EK-15]

The conversations reproduced in EK-15 state that Economy Minister Zafer Çağlayan took an interest in the matter and contacted the Ministers of Agriculture and Justice. Remarks attributed to the Prime Minister concerned bringing the matter to a conclusion. The defence account describes a proposed two-stage solution: first, the release of detained company executives; subsequently, amendment of the Biosafety Law. These are accounts of conversations reproduced in the defence submission, not direct documentary instructions from the authorities concerned. [EK-15]

4.3 The Ministry of Justice prosecutors and release from detention

The defence submission in EK-15 addresses conversations involving Murat Altındere, Mahmut Arslan's lawyer and a complainant in the proceedings against public officials. It recounts face-to-face contacts with Economy Minister Zafer Çağlayan and Justice Minister Sadullah Ergin, assessments of the prosecutor's and chief prosecutor's positions, complaints and challenges to detention. For SRL Swiss, the issue requiring investigation is the boundary between exercising the right to seek legal remedies and political authorities intervening in a specific criminal case. [EK-15; EK-05, PDF p.35; EK-18, source PDF p.1]

According to EK-15, Mahmut Arslan said that a ministry letter with the requested content could be obtained; Murat Altındere sought letters concerning whether GMO paddy rice was traded anywhere in the world and which laboratories were authorised to perform GMO analyses. The submission states that two ministry letters were used to challenge detention and that company executives were released. Although questions about those letters were asked at trial, Mahmut Arslan denied certain allegations of intermediation. The legal grounds for release and the influence of these contacts require separate examination. [EK-15; EK-05, PDF pp.34–35]

EK-15 alleges that Ahmet Kavak, Deputy Director-General of Food and Control, travelled to Mersin, met the prosecutor and urged closure of the case. It also recounts discussions about submitting detention challenges to a particular duty judge. These allegations should be investigated through the relevant communication and procedural records; the defence account alone does not establish that the persons concerned issued unlawful instructions. [EK-15]

5 Decisions in the Importers' Proceedings

In the principal GMO proceedings against the importers, the Mersin 5th Assize Court entered convictions under the Biosafety Law on 25 June 2015. In Fuat Fettahoğlu, on 17 May 2023, the Constitutional Court held that penalising a product containing "GMO contamination" by extending the criminal provision applicable at the material time violated the principle of legality, and ordered a retrial. This decision does not establish that public officials fabricated GMO findings or that the investigation lacked a factual basis. (Constitutional Court, application no. 2019/33972).

Part of the judgment delivered following the retrial, case no. 2023/269, judgment no. 2023/340, was quashed by the 7th Criminal Chamber of the Court of Cassation in case no. 2024/3303, judgment no. 2024/9209. These proceedings concerning the importers' criminal liability must be assessed separately from the judicial outcome of the GMO-related charges against public officials.

6 Removal and Destruction of GMO Records

The account of destruction does not rest solely on defence submissions. Volkan İmişçi's statement reproduced under Incident 1.1 in the indictment of 13 July 2015 describes the investigating prosecutor's destruction, on 12 February 2014, of the GMO interception transcripts and a CD containing the conversations. İdris Yılmaz's statement in the same section also states that the investigating prosecutor destroyed certain intercepted communications on that date. İmişçi characterises the conversations as containing no elements of an offence. The existence and destruction of the records must therefore be distinguished from whether their contents disclose criminal conduct or political interference. [EK-22, Incident 1.1, statements of Volkan İmişçi and İdris Yılmaz]

The defence submission in EK-17 reproduces diary entries attributed to Serkan Öz. According to that account, discussions concerned destruction of interception and technical surveillance records on 9 April 2014; removal of communications records from the GMO section on 5 May; removal and destruction of the GMO section on 23 September; and preparation, on 29 September, of a destruction record to be signed by the prosecutor the following day. The same submission refers to a prosecutorial instruction dated 30 September 2014 and a record stating that two audio DVDs were destroyed. It identifies the related investigation file as 2014/2458. This chronology is based on documents recounted in the defence submission. [EK-17, source PDF pp.104–107]

The account of destruction on 12 February 2014 must not be conflated with the April–September 2014 steps described by the defence. As the annexes do not contain a copy of the destruction record held in the prosecution file, no claim is made here to have examined that record directly. The analysis rests on statements in the indictment and the chronology reproduced by the defence. SRL Swiss calls for an independent investigation into which records were destroyed, under which decisions and for what

reasons, their potential value to the defence in relation to the subsequent charges, and any surviving copies. [EK-17; EK-22]

7 Media Coverage and Sources Associated with the Complainants

An intensive media campaign portrayed the GMO investigation as a "frame-up". Sabah's report of 5 May 2015 described the scientific report as "fabricated" and linked public officials to a structure allegedly seeking to overthrow the government. Murat Altındere, one of the lawyers for the complainant/intervening party, appeared directly as a source, publicly alleging that the work had been organised by an official serving in the Organised Crime Bureau of the Intelligence Branch. [EK-10A-E]

Defence submissions and court documents show, in particular, that Murat Altındere played an active role in the complainant/intervening-party side of the criminal cases while also providing statements and information directly for Sabah's coverage. In 2019, Sabah columnist Ersin Ramoğlu continued this approach, describing the GMO investigation as the "GMO lie" and using language presupposing the defendants' guilt while proceedings were ongoing. [EK-12]

Some of these publications went beyond the realm of ethical controversy. In miscellaneous proceedings nos. 2015/4171 and 2015/4143, respectively, the Mersin 2nd and 1st Criminal Judgeships of Peace held that certain Sabah content infringed personality rights and ordered access to it to be blocked. One decision expressly covered the articles entitled "The Parallel Structure's GMO ploy failed" and "The Parallel Structure's dirty dealings in Mersin are being exposed". [EK-11]

8 Public Officials Becoming Defendants before an Assize Court

The indictment of 13 July 2015 linked the officials' work to allegations of passing confidential information to a journalist, producing false reports and records, discrediting individuals and obstructing the government's performance of its duties. The charge under Article 312 of the Turkish Criminal Code (TCK) exposed them to aggravated life imprisonment. The prosecution's case, however, is not a judicial finding: in its assessment of Incidents 1.1 and 1.2, the first-instance court held that the alleged leaking of information and organised discrediting of individuals had not been established by conclusive and convincing evidence. [EK-22, Incidents 1.1–1.2; EK-19, reasoning on those incidents]

Lengthy pre-trial detention was accompanied by difficulties in accessing defence documents, examining digital files and participating effectively in hearings. These restrictions reduced the defendants' ability to prepare their response to the charges and challenge the evidence. [EK-14; EK-16]

The judgment of 17 July 2020, case no. 2015/370, judgment no. 2020/171, contains separate rulings on numerous charges and defendants. Acquittals on charges arising from the GMO work must not be overshadowed by proceedings under other offence headings. A separate charge against a public official cannot substitute for proof that the

GMO investigation was fabricated. This report concerns the targeting of officials for their GMO work and the rights violations experienced in that process.

8.1 The significance of acquittal on the GMO charges

In its judgment of 17 July 2020, case no. 2015/370, judgment no. 2020/171, the Mersin 2nd Assize Court entered acquittals concerning GMO-related incidents for specific defendants and offences. The relevant operative provisions cover charges including obtaining prohibited information, false accusation, fabrication of an offence, breach of the confidentiality of communications, violation of privacy and forgery of official documents. The 2nd Criminal Chamber of the Adana Regional Court of Appeal, in its judgment of 13 June 2022, case no. 2021/1377, judgment no. 2022/786, dismissed the appeals against the relevant acquittals on the merits and declared its decision final for the offences specified in the concluding section. No further affirmation on the merits by the Court of Cassation was required for these acquittals. Rulings on membership of an organisation and other incidents in the same file do not negate the GMO-related acquittals. [EK-19, operative part; EK-20, relevant defendant sections and conclusion]

8.2 The specific grounds for acquittal

Under Incident 1.1, the reasoned judgment emphasises that access to the source of documents does not prove that a person leaked them. The court found that the dates selected to establish access rights did not correspond to the documents' contents, that headquarters personnel also had access, that differences in authorisation within the bureau had been disregarded, and that some defendants did not in fact have access rights. For both intelligence and Anti-Smuggling and Organised Crime (KOM) personnel, it concluded that conclusive evidence did not establish who provided the documents, when or how. This finding rejects an approach treating everyone able to access confidential documents as having leaked them. [EK-19, Incident 1.1]

For Incident 1.2, the court treated the reference to a narcotics offence in applications for communications measures as text left over from another file, accepting that the applications' substance was consistent with an investigation into forming an organisation for the purpose of committing offences. Having examined earlier institutional records, other investigation and trial files and subsequent steps together, it held that organised action intended to discredit individuals or cause them financial loss had not been established by conclusive and convincing evidence. These findings do not support the claim that the GMO work was fabricated in its entirety. [EK-19, Incident 1.2]

Illustrating the distinction between offences and incidents, operative provisions 38-g–l contain acquittals for obtaining prohibited information in Incident 1.2; false accusation and fabrication of an offence in Incidents 1.1 and 1.2; breach of the confidentiality of communications and forgery of official documents in Incident 1.1; and violation of privacy in Incidents 1.1 and 1.2. Section 39/D of the appellate judgment dismisses the appeals against the relevant acquittals on the merits. These acquittals are thus identifiable in specific operative provisions rather than merely described in general terms. Convictions relating to other incidents and joined proceedings must not be

confused with these provisions. [EK-19, operative provisions 38-g–l; EK-20, 39/D and conclusion]

8.3 The acquittal of the academics

Mustafa Kolukırık and Alper Tunga Akarsubaşı, who participated in the GMO examinations, were acquitted. Kolukırık's judgment of 17 July 2020 rests on two distinct legal grounds: Article 223(2)(a) CMK for the alleged false expert opinion, because the elements of the offence were not made out; and Article 223(2)(b) CMK for assisting an organisation, because it was established that he had not committed the offence. The court accepted that there was no conclusive evidence that the expert had been selected for an organisational purpose and that his appointment followed institutional correspondence. The appeal against the acquittal concerning the expert opinion was dismissed on the merits. As Akarsubaşı's proceedings had been severed, his acquittal is not attributed to this judgment concerning Kolukırık. [EK-19, reasoning section 56 and operative provision 55; EK-20, 56]

9 Witness and Evidential Reliability during the Proceedings

9.1 The anonymous witness Terazi

The same account by the anonymous witness Terazi was assessed in two separate cases. In its judgment of 23 May 2018, case no. 2017/158, judgment no. 2018/450, the Mersin 6th Criminal Court of First Instance stated that the account was not based on direct observation, consisted of hearsay of uncertain origin and did not affect the merits. The issue concerns the use of the same statement in different files, not two independent accounts. [EK-06; EK-18]

The Mersin 6th Criminal Court of First Instance's assessment of that account requires specific reasons to explain its use in the other case. Nevertheless, all assessments of witnesses concerning different defendants and offences cannot be reduced to a single conclusion. It is necessary to identify which statement the reasoned judgment relied on for which charge. In particular, as explained below, the assessment of Ramazan Murat Işık's account of information leakage favoured the defendants in the reasons for acquittal. [EK-06; EK-19, Incident 1.1]

9.2 Ramazan Murat Işık

In the technical transcript of the recording associated with Ramazan Murat Işık, the speaker identified as "MURAT" states that others wrote the statement and that a monetary penalty and pressure were used to induce him to give evidence. The Mersin 2nd Assize Court assessed this recording and other inconsistencies in its reasoned judgment. It declined to credit the witness's statements, noting that flight and telecommunications traffic records did not corroborate the alleged meeting, that Baransu had not left Adana, that certain details conflicted with objective dates and that the allegations lacked other concrete supporting evidence. The reliability issue must

therefore be recorded as a deficiency recognised by the court, not merely an objection raised by the defence. [EK-09; EK-18; EK-19, Incident 1.1]

10 Mehmet Baransu From GMO Reporting to Trial before an Assize Court

Mehmet Baransu's GMO reporting informed the public about the safety of imported food, laboratory findings and the authorities' response to those findings. These matters fall directly within the press's public watchdog function. Reporting on a public health investigation and alleged political interference is a journalist's professional activity. SRL Swiss opposes the punishment of Baransu for these publications.

The judgment of 17 July 2020 sentenced Baransu to two years' imprisonment for breaching the confidentiality of an investigation, four years for disclosing information whose disclosure was prohibited, and thirteen years and six months for membership of an armed organisation: a total of nineteen years and six months. The reasoned judgment identifies Article 285(1)(a) TCK as the basis of the first offence, treating the reference solely to Article 285 in the short-form operative judgment as a clerical error. The second sentence rests on Article 336(1) TCK; the third on Article 314(2) TCK and Article 5(1) of Law no. 3713. He was acquitted of breaching the confidentiality of communications, unlawfully transferring or obtaining data, and false accusation. [EK-19, reasoning section 46, Mehmet Baransu; operative provisions 45-a–d]

10.1 The court's approach to reporting and disclosure of documents

For Article 336(1) TCK, the court relied on the intelligence confidentiality notices on the information memoranda, their connection to ongoing investigations, and their disclosure through a newspaper, Twitter and an appeal petition. It treated 23 February 2015, when the 66-page document was submitted through defence counsel with the appeal petition, as the date of this offence. Under Article 285(1)(a) TCK, it concluded that newspaper and Twitter disclosures during ongoing investigations infringed the suspects' presumption of innocence. Public reporting and the submission of documents for the defence in another case are thus acts with distinct contexts in the court's reasoning. [EK-19, section 46, Mehmet Baransu]

The court held that the limits of the right to report had been exceeded, relying on organisational purpose and the manner in which the information was obtained. For SRL Swiss, the issue is whether the public interest in reporting on public health and alleged political interference was adequately balanced against confidentiality grounds and specific harm. In particular, punishment for submitting documents as annexes to a defence pleading concerns not only journalistic freedom but also a person's ability to substantiate arguments before a court. [EK-19, same section; ECHR Articles 6 and 10]

At the hearing on 16 April 2018, İbrahim Yamula, a co-defendant, stated that he had no concrete information or evidence that the public official concerned had given the documents to Mehmet Baransu. This statement was revisited at the hearing on 19 April 2018. It cannot therefore be used as an account by a witness with direct knowledge of the documents' source. Publication of a report does not, by itself, establish Baransu's participation in unlawfully obtaining the documents. [EK-08, PDF pp.51–52]

The European Court of Human Rights' judgment in Goodwin v. the United Kingdom establishes the importance of protecting journalistic sources for press freedom. Gîrleanu v. Romania demonstrates that punishment of a journalist for obtaining and investigating confidential information requires scrutiny under freedom of expression. In Şık v. Turkey (no. 2), the use of reporting against the government or allegations against persons associated with sources did not automatically deprive the publications of their journalistic value. Under these principles, GMO reporting should be assessed by its content and public significance, rather than through an accusatory political narrative. (Goodwin, 27.03.1996; Gîrleanu, 26.06.2018; Şık no. 2, 24.11.2020).

10.2 Reliance on journalistic activity in the organisational membership reasoning

The thirteen-year-and-six-month sentence does not rest on a body of facts wholly separate from the GMO publications. The court treated documents reaching the journalist on different dates, despite their source not being definitively established, as evidence of trust and an organic link; it inferred organisational purpose from similarities between a plan to shape public opinion in an information memorandum and the reports and posts. It also included findings concerning ByLock use, but delivered judgment without awaiting the contents. It regarded Bank Asya transactions as routine banking and did not rely on the accounts of Ramazan Murat Işık and Murat Şaşmaz to establish the offence. [EK-19, section 46, Mehmet Baransu, reasons concerning organisational membership]

It would therefore be incomplete to portray the entire aggregate sentence as punishment solely for one newspaper article; equally, describing the thirteen-year-and-six-month component as independent of journalistic activity would be inconsistent with the reasoning. SRL Swiss criticises the inference of hierarchical allegiance from repeated provision of information to a journalist, and the use of the same publications both as conduct explained by organisational purpose for confidentiality offences and as evidence of organisational membership. Such an inference must explain, through concrete facts, the distinction between professional trust with a source and organisational orders and allegiance. This is the report's assessment of the court's reasoning. [EK-19, same section]

10.3 Appellate outcome and request for redress

The regional appellate court dismissed the appeals against Baransu's three convictions on the merits. In its judgment of 25 October 2024, case no. 2023/6198, judgment no. 2024/12473, the 3rd Criminal Chamber of the Court of Cassation rejected the appeals concerning the two- and four-year sentences because those decisions were not amenable to cassation appeal; it examined and upheld the organisational membership conviction on the merits. The Court of Cassation considered the evidence relied on lawful and the reasons sufficient. SRL Swiss's criticism in this report acknowledges these judicial outcomes while examining the reasoning's implications for freedom to receive and impart information. [EK-20, section 46, Mehmet Baransu; EK-21, I/4 and II]

SRL Swiss calls for the removal of criminal sanctions based on the GMO reporting and for journalistic activity to be distinguished from criminal allegations. The examination focuses on the content and public interest of Baransu's reporting. Other proceedings or political assessments of the journalist do not negate the need to protect these publications. Journalists' ability to obtain documents, communicate with sources and disclose public health risks must be safeguarded.

11 Interference with Defence Rights and Judicial Impartiality

Defence rights issues in the Mersin proceedings centred on access to the indictment and evidence, collection of favourable institutional records, scrutiny of digital material, questioning of witnesses and effective participation in hearings. These issues concern shared procedural safeguards extending beyond individual defendants' personal circumstances. [EK-15–17; EK-13; EK-14]

11.1 Access to the indictment and defence documents

At the hearing on 16 May 2017, objections concerned failure to provide the indictment and necessary defence documents in good time, seizure of documents in prison and refusal to accept papers sent by lawyers. Prior reading of the indictment aloud does not substitute for defendants' right to study it in preparing their defence. Effective access to documents is a safeguard distinct from presence at a hearing. [EK-16]

In a statement dated 22 December 2017, responding to an allegation that video recordings had been made without a judicial order, it was asserted that orders concerning the relevant persons existed, but that those orders and the context of the recordings had not been reflected in the indictment. The request sought documents capable of showing the legal basis of official activity treated as criminal. The defence's inability to access them restricts its ability to answer the charge. [EK-16, source PDF p.18]

11.2 Failure to collect favourable institutional records

EK-15 states that institutional correspondence, information request and transmission forms, Planned Intelligence Operation (PİO) files and target information were requested on 23 February 2015, without a positive response. The inability to access records despite identifying the relevant units and file numbers impedes assessment of official activities in context. Responsibility for collecting potentially favourable state records cannot be left to defendants unable to access their former institutions. [EK-15]

11.3 Acquisition and scrutiny of digital material

Objections to the lawfulness of the digital examination rest on the fact that examination and data recovery operations on 17 and 27 February and 4 and 11 March 2014 preceded the order of 21 April 2014 under Article 134 CMK. The reliability of the results cannot be tested without jointly scrutinising the operation dates, original material, forensic images

and alterations to the data. A reasoned answer is also required as to whether the subsequent order rendered the earlier operations lawful. [EK-15]

11.4 Questioning witnesses and participation through SEGBİS

At the hearing on 16 May 2017, it was alleged that the Audio and Video Information System (SEGBİS) connection had been terminated without requests to question a witness being addressed, and that objections had not been processed. Hearing a witness in closed session must be assessed alongside safeguards enabling the defence to test the account effectively. The ability to question allegations concerning money, pressure and preparation of the statement is important to the reliability of the account underpinning the charge. [EK-16, source PDF pp.19–20]

The transcript of the hearing on 19 October 2015 shows that, when Mahmut Arslan was asked about the content of meetings with ministers and how the detainees had been released, the presiding judge rejected the question as seeking an opinion; defence counsel objected that it sought factual information. The question concerned contacts at the centre of the allegation of political interference. Its rejection restricted the defence's ability to test that account. [EK-05, PDF p.34; EK-16, source PDF p.35]

11.5 Stigmatisation and threats in court

Defence counsel raised insults, threats and collective accusations directed at the defence during hearings. The court must protect all parties' right to be heard and prevent rhetoric declaring defendants guilty before judgment from determining the proceedings. Failure to respond to such interference undermines confidence that the defence can be conducted freely. [EK-13; EK-17]

Complaints concerning courtroom conduct should be examined through audiovisual recordings as well as written minutes. Comprehensive recording of objections is also a prerequisite for subsequent judicial review.

11.6 A judge's status as complainant and the successful recusal application

By an additional decision of 16 May 2018, the application to recuse Judge Demet Akdağ was granted because she was a complainant in a related case against the defendant concerned. The court held that no ruling was necessary in respect of Devlet Demirbilek and Seda Kurtuluş Akbulut, who were not serving on the panel at the time of the decision. This establishes that a specific impartiality objection was upheld; it should not be interpreted as an automatic finding of a violation in respect of all prior procedural acts or all defendants. [EK-17, source PDF p.79]

12 Human Rights Assessment in Relation to the Events

12.1 The lawful judge guarantee and a tribunal established by law

The objection concerning the lawful judge guarantee rests on the allegation that a special panel was appointed in 2019 solely to hear this case. The existence, scope and

justification of such an appointment must be established from the appointment decision and case-allocation records. As the administrative decision itself is not among the annexes examined, the allegation is not presented here as an established finding. The question is whether a case-specific panel was created after proceedings began and, if so, how this related to general jurisdiction and allocation rules.

A court's statutory existence does not, by itself, show that the selection of judges to hear a particular case is protected against arbitrary influence. The objection to a case-specific panel must be examined through the appointment decision, case allocation, the remit of the previous and subsequent panels and the objective reasons for the change. Safeguards preventing administrative discretion from becoming a means of selecting judges to influence the outcome must be explained. The significance of Ástráðsson v. Iceland and Moiseyev v. Russia lies in their requirement of scrutiny of judicial composition and panel changes against arbitrary interference. Although case-specific appointment does not automatically establish a violation, it requires concrete and effective review. (Ástráðsson [GC], 01.12.2020; Moiseyev, 09.10.2008, §§176–185).

12.2 Impartiality and the effects of judicial review

The impartiality safeguard concerns both judges' personal conduct and the court's outward appearance of independence and impartiality. The objection to the 2019 appointment and the recusal granted in 2018 are distinct: the former concerns how the panel was constituted; the latter concerns relationships with parties to the proceedings. Review of both issues must assess their impact on the proceedings as a whole, rather than rely solely on the court's formal jurisdiction or the existence of a recusal mechanism. [EK-17; European Convention on Human Rights (ECHR), Article 6(1)]

12.3 Access to evidence and equality of arms

Access to original digital evidence and its examination history is a prerequisite for an effective response to a charge. The relevance of Yüksel Yalçınkaya v. Türkiye is the requirement that challenges to the reliability of electronic data receive genuine judicial examination. Failure to collect favourable institutional records and disclosure only of final examination reports exacerbate the informational imbalance between prosecution and defence. (Yalçınkaya [GC], 26.09.2023; EK-15–16).

Adequate time and facilities to prepare a defence include regular access to documents and effective work with lawyers. Prison practices must not deprive detained defendants of these safeguards in practice. [EK-14; ECHR Article 6(3)(b)]

12.4 Destroyed evidence and exclusion of the defence

Destruction of potentially favourable records without defence participation and effective judicial scrutiny raises an equality-of-arms issue. The safeguards addressed in Natunen v. Finland require examination of the value of the destroyed records to the defence and the availability of review of the destruction decision. Statements establishing that destruction occurred do not automatically establish its unlawfulness;

what matters is which records were destroyed, why, and with what safeguards. SRL Swiss seeks examination on the basis of the instructions and records held in the prosecution file. (Natunen, 31.03.2009, §§47–49; EK-17; EK-22).

12.5 Witness reliability and effective questioning

Where charges rely on witness testimony, the account's source, inconsistencies and possible interests must be open to examination. Confidentiality or closed-session measures must not eliminate this scrutiny altogether. Al-Khawaja and Tahery v. the United Kingdom emphasises safeguards capable of compensating for limitations on questioning. In this case, the decision not to rely on Ramazan Murat Işık's statement is a positive judicial assessment; nevertheless, the effects of the alleged restrictions on questioning and access to evidence during trial require separate examination. (15.12.2011, §§119–147; EK-16; EK-19, Incident 1.1).

12.6 Lengthy pre-trial detention and individualised reasons

Lengthy pre-trial detention cannot be maintained through general statements about the seriousness of charges or defendants' professional backgrounds. Concrete grounds for suspicion and current reasons requiring continued detention must be given for each defendant. The reasonable-suspicion standard in Alparslan Altan v. Turkey requires explanation of the specific facts through which official activity became grounds for suspicion of an offence. (16.04.2019).

State possession of institutional records and former employees' inability to access them must be considered when assessing the risk of interference with evidence. The effects of detention on preparation of the defence, and alternatives involving judicial supervision, likewise require reasoned review.

12.7 The presumption of innocence

Accusatory publications during the officials' trial and stigmatisation in court made it more difficult for the defence to be heard on equal terms. The court must not allow the external campaign's presumption of guilt to enter the courtroom. Following acquittal, public authorities must not perpetuate the impression that a person is guilty; redress must also include restoration of reputation. [EK-10–13]

13 GMO Acquittals and Redress for Continuing Rights Violations

Acquittals on GMO-related charges must form the basis for assessing the allegations against public officials. The importers' proceedings under the Biosafety Law and the case against public officials concern different persons and conduct. A decision in one case cannot be used to generate a presumption of guilt in the other.

Redress for defendants cannot be confined to an acquittal. Time spent in detention, suspension from office and professional losses, effects on family life, obstruction of defence facilities and media stigmatisation require separate consideration. Effective

redress must encompass acknowledgment of the violation, removal of its consequences and safeguards against similar interference.

13.1 Access to a defence and the effects of proceedings on families

A defendant's final defence statement, reproduced in the reasoned judgment, states that retained lawyers were compelled to withdraw because of political pressure and that lawyers subsequently instructed were detained after the attempted coup. This is a defence account recorded in the judgment. Disruption of continuity in legal assistance through changes of counsel and their detention requires separate assessment in terms of familiarity with the case, preparation of the defence and preservation of the relationship of trust with the client. SRL Swiss considers it essential that defendants can work effectively with counsel of their choice and that lawyers can practise without being identified with the allegations against their clients. [EK-19, defendants' final defence statements; ECHR Article 6(3)(b) and (c)]

The effects of proceedings on families must be considered beyond visits to a detained relative, including loss of livelihoods and social stigmatisation. Amnesty International's statement accompanying its 2017 research, No End in Sight, documents dismissed public employees' difficulties finding work in the private sector, their need to exhaust savings or rely on relatives, and the extension of accusatory labels into family life. It also recounts an interview concerning a child targeted by peers at school because of allegations against the child's mother. These findings document the social context of the period in which the proceedings took place; they are not individual findings concerning every family in the GMO case. [Amnesty International, 22.05.2017]

In its 2023 concluding observations on Türkiye, the UN Committee on the Rights of the Child highlighted discrimination against children whose parents were accused of links to terrorist organisations, including restrictions on access to education, health care, protection from violence and an adequate standard of living. It called for measures and remedies against stigmatisation on the basis of parents' political or other opinions. Accordingly, exclusion at school, loss of family income and the psychological effects of prolonged parental separation should form part of the assessment of redress. Support mechanisms must protect children's identities and families' privacy, prevent discrimination in education, provide needs-based psychosocial support and address losses of livelihood. [CRC/C/TUR/CO/4-5, §§18–19 and 33]

14 Institutional Chilling Effects and Public Health Oversight

The effects of this case extend beyond those prosecuted. Dismissal, detention and years of proceedings carrying the threat of aggravated life imprisonment, following public officials' conduct of a food safety investigation intersecting with powerful economic and political actors, create an institutional chilling effect on officials who may handle comparable cases.

Sustained food safety oversight depends on public officials and scientific experts being able to work free from economic or political pressure. Fear of being targeted for

performing official duties impedes detection and reporting of irregularities. Punishment of journalists creates a further barrier to public awareness of those risks.

15 Conclusions and Recommendations

The Mersin GMO process must be assessed together in terms of political interference in public health oversight, preservation of evidence, fair trial rights and press freedom. SRL Swiss calls for an independent examination grounded in specific conduct and evidence, resisting the identification of officials' duties and journalists' reporting with accusatory political narratives.

1. The removal and destruction of GMO records, political contacts and the process leading to charges against public officials should be independently and effectively investigated; evidence must be preserved and those responsible held accountable.

2. Favourable institutional records, original digital material and SEGBİS recordings should be made accessible to the defence, and effective questioning of witnesses ensured. Appointment and case-allocation records should be disclosed to assess the allegation that a case-specific panel was appointed in 2019; compliance with the lawful judge and impartiality safeguards should be independently reviewed.

3. Criminal sanctions based on Mehmet Baransu's GMO reporting should be removed; journalistic activity must be distinguished from criminal allegations requiring independent proof. Public health reporting, journalistic sources and the safety of those disclosing irregularities must be protected.

4. The reputation and rights of acquitted public officials should be restored, and redress provided for lengthy pre-trial detention and violations of defence rights. Institutional safeguards protecting personnel engaged in public health, customs and economic crime oversight from political and economic pressure should be strengthened.

5. Continuity of legal assistance must be guaranteed. Redress processes should address families' loss of livelihoods and the stigmatisation and discrimination that children may face in education. Educational and psychosocial support mechanisms respecting children's best interests and privacy should be provided.

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Document Index

A Public health oversight and scientific analysis

EK-01–14 are contained in the 87-page compilation GDO_BELGE_EKLERI_GUNCEL_V5.pdf. PDF page numbers are counted from the beginning of that file, including its cover. EK-15–18 are separate source files. EK-19–22 are the reasoned judgment, regional appellate judgment, Court of Cassation judgment and indictment used in this examination; they are not included in the 87-page compilation. UDF documents can be located by case reference, section and operative provision. Original source documents are kept separate from the report. The source annex identifiers “EK” are retained throughout this English translation.

EK-01 – Extract from the 2010 agricultural/GMO police investigation summary: import, sampling and laboratory chain records from 2010. Compilation PDF pp.4–7.
EK-02A-H – Separate judicial orders under Articles 135 and 140 CMK in investigation 2013/3210 (UYAP/court document images). Compilation PDF pp.9–23, including intervening annex covers.
EK-03 – Macrogen Inc., 1307KHS-0063 / Sample 22901: original English whole-genome sequencing report submitted to the court file. Compilation PDF pp.25–27.
EK-04 – Certified Turkish translation of Macrogen report 1307KHS-0063 / Sample 22901 submitted to the court file, kept separate from the original English report. Compilation PDF pp.29–31.

B- Political contacts and trial records

EK-05 – Hearing record dated 19.10.2015: questioning concerning the Ministry of Agriculture, the Kyrgyzstan visit and ministerial contacts. Compilation PDF pp.33–35. The final page also contains the beginning of Şerafettin Memiş's statement dated 15.10.2015.
EK-06 – Mersin 6th Criminal Court of First Instance, case no. 2017/158, judgment no. 2018/450, reasoned acquittal judgment. Compilation PDF pp.37–45.
EK-07 – Mustafa İnan's hearing record dated 05.05.2017: the GMO sampling and analytical chain. Compilation PDF pp.47–49.
EK-08 – Extracts from the hearings of 16 and 19.04.2018 concerning İbrahim Yamula / Mehmet Baransu. Compilation PDF pp.51–52.

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EK-10A–E – Sabah and Sabah Güney reports: accusatory publications dated 05.05.2015, 09.02.2015 and 02.11.2014. Relevant section: 7. Compilation PDF pp.65–72.
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Source-index clarification and publication revision - 26 October 2026
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The evrak_ filenames in EK-16 to EK-18 are retrieval identifiers for the supplied document bundles. The document descriptions and pinpoint pages in the index identify the individual records within them; the filenames do not identify issuing authorities.
Access and limits: the source archive includes personal and case material. No unredacted annex has been released by this revision. The report identifies the missing destruction record; its absence from the available set does not establish that no such record ever existed. Legal conclusions remain SRL Swiss analysis.