Report on Judicial Independence and Defence Rights

# The Match-Fixing Investigation and the Prosecution of Public Officials

Submitting organisation

Security Studies and Rule of Law Association (SRL Swiss)

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 rule of law and assess the compatibility of security policies with fundamental rights.

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# Summary of events and principal human rights concerns

The 2010–2011 match-fixing investigation was conducted pursuant to prosecutorial instructions and judicial orders authorising interception and surveillance. Following the prosecution of football officials and other suspects, the police officers involved in the investigation themselves became defendants, accused of unlawfully conducting investigative measures for organisational purposes. This submission examines the guarantees of an impartial tribunal and an effective defence in the proceedings against those officials before İstanbul 23rd Assize Court, case no. 2016/62, judgment no. 2021/98.[1]

SRL Swiss brings these practices to the Special Rapporteur's attention to protect the defendants' rights to a fair trial and an effective defence. The submission focuses on an impartial tribunal, adequate preparation time and the ability to challenge the foundations of the charges.

A shared limit of 90 minutes for each defendant and counsel, refusals of additional time and problems accessing digital evidence restricted the defence. Restrictions on explaining the contents of intercepted conversations underlying the investigation also affected the response to charges of knowingly making false accusations. Investigators' ability to explain the facts known to them at the time is crucial to rebutting those charges.[2]

Presiding judge Ahmet Uğuz stated that the court's panels had been merged and that he had been appointed under a Council of Judges and Prosecutors (HSK) decision of 28 January 2021. The basis for changes to the panel shortly before judgment, and how new members assessed decisive oral evidence, require explanation in light of the defendants' procedural guarantees.[3]

Language in the reasoned judgment associating the court with a political and societal struggle raises serious concerns about impartiality. Prosecutorial instructions and judicial orders are essential foundations of the officials' defence that they acted within a chain of judicial authority. A person's duties, signature or assessment in another case cannot replace proof of individual conduct and intent for each defendant.[4]

The 2024 appellate decision contains both affirmances and reversals; reports indicate that fresh judgments were delivered against 15 people in 2025. It must be explained how the defence impediments documented here were remedied in subsequent proceedings.[5]

SRL Swiss requests the Special Rapporteur to transmit an allegation letter to the Government of Türkiye, seek specific explanations concerning the documented violations and recommend

1 Reasoned judgment of 4 June 2021 (Annex 1), pp. 399, 408, 413–418; Orders and related documents from the original investigation (Annex 7–9).

2 minutes of the 18th–20th hearings (Annex 2–4); expert transcript of the audiovisual recordings of the 19th hearing (Annex 6); SEGBİS expert transcript of the fifth hearing, 8–12 January 2018 (Annex 10), pp. 70–72, 90–91.

3 minutes of the 18th–20th hearings (Annex 2–4); 19th-hearing expert transcript (Annex 6), pp. 1.

4 Reasoned judgment of 4 June 2021 (Annex 1), pp. 389–418; Orders and related documents from the original investigation (Annex 7–9).

5 Reasoned judgment of 4 June 2021 (Annex 1), pp. 415–418; Court of Cassation, 3rd Criminal Chamber, 21 March 2024, no. 2024/4329, published anonymised text, Cumhuriyet (İHA), report of 26 June 2025 on fresh judgments concerning 15 defendants.

effective remedies. The questions appear in section 12 and the proposed measures in section 13.[6]

# 1. Subject and institutional significance

## 1.1 Judicial decision-making and defence guarantees

The Special Rapporteur's mandate includes examining allegations affecting the independence of judges and lawyers and making recommendations to protect judicial guarantees. This submission engages that mandate through the chain of prosecutorial and judicial acts, the trial panel's impartiality and lawyers' ability to perform their professional duties effectively.[7]

The submission addresses three matters within the mandate: the independence and impartiality of the trial court; the criteria by which investigative acts based on prosecutorial requests and judicial orders were subsequently treated as criminal; and lawyers' access to time, evidence and opportunities to challenge evidence when defending their clients. It examines how these institutional guarantees operated in this case.

Defendants must be able to explain the factual and legal grounds of the investigation, rely on prosecutorial instructions and judicial orders, and challenge the evidence used against them. Subsequent changes in legal interpretation or acquittals in the original proceedings cannot be treated as proof that officials knowingly made false accusations. The burden of proof cannot be shifted to defendants: the elements of each charge must be established by concrete evidence, and the defence against that evidence must be effectively heard.

## 1.2 Intervention requested

The request is for communication with the Turkish authorities concerning the documented allegations of rights violations and recommendations for corrective measures protecting the defendants' rights. The Special Rapporteur's communications procedure differs from a court procedure resulting in a binding judgment. It can address judicial practices affecting a group as well as individual incidents.[8]

## 1.3 Scope of the submission

The submission addresses the criminal proceedings against officials who conducted the match-fixing investigation through the guarantees of judicial independence, impartiality and effective defence. Specific requests by defendants and their lawyers demonstrate the practical effects of

6 UN Commission on Human Rights, resolution 1994/41; OHCHR, Special Rapporteur mandate and Special Procedures Submission Portal.

7 UN Commission on Human Rights, resolution 1994/41 of 4 March 1994, § 3; OHCHR, Thematic Special Procedures Mandates, mandate of the Special Rapporteur on the independence of judges and lawyers.

8 OHCHR, Special Procedures Submission Portal, criteria for submissions and communications procedure.

common procedural rules. Each incident is assessed in light of the charges and procedural position of the person concerned.

SRL Swiss submits this institutional human rights assessment; it does not lodge an individual application as an authorised legal representative acting under a power of attorney for the defendants.

### 1.4 Distinction from ECtHR application procedures

This submission falls within the Special Rapporteur's mandate to communicate with governments and make recommendations. The defendants' rights to lodge individual applications before the European Court of Human Rights (ECtHR) remain reserved. This submission neither replaces those applications nor suspends the applicable time limits.[9]

For the purposes of Article 35 § 2 (b) of the European Convention on Human Rights (ECHR), the relationship with another international procedure depends on the nature of the mechanism and the persons, facts and complaints covered. Processing under the UN Human Rights Committee's individual complaints procedure or the Working Group on Arbitrary Detention's individual opinions procedure is not requested. If such a referral is contemplated, SRL Swiss requests prior contact so that the persons concerned and their representatives can assess the implications for their rights of application.[10]

## 2. Documentary basis

The principal sources are İstanbul 23rd Assize Court's reasoned judgment of 4 June 2021, hearing minutes, expert transcripts of audiovisual hearing recordings, and judicial orders and implementation documents from the original investigation. The Court of Cassation decision of 17 January 2014 records an earlier legal assessment of the investigative measures.[11]

Relevant pages of the case documents are arranged as Annexes 1–11 in the accompanying Documentary Annexes. Each annex is identified by the document's title, date and, where applicable, decision number.

The hearing minutes record procedural rulings and requests; expert transcripts record oral exchanges; and the reasoned judgment sets out the court's assessment and outcomes. Statements by defendants and lawyers are attributed to their speakers. Legal assessments connect specific events documented in these sources with the relevant rights guarantees.

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9 OHCHR, Special Procedures Submission Portal, criteria for submissions and communications procedure, European Convention on Human Rights, Article 34–35.

10 OHCHR, Special Procedures Submission Portal, criteria for submissions and communications procedure, European Convention on Human Rights, Article 34–35; ECtHR, Practical Guide on Admissibility Criteria, sections on substantially the same application and another procedure of international investigation; Selahattin Demirtaş v. Turkey (no. 2), Grand Chamber, 22 December 2020, §§ 182–186.

11 Case documents, Annex 1–11.

Footnote page numbers refer to the page sequence in the electronic copy of the source document. The annex pages carry the same source-page reference in the header and the annex bundle's pagination in the footer.

The 2024 appellate decision is cited from a published anonymised text, while information on the 2025 retrial is based on the identified news report. Neither is presented as establishing a common current position on finality or sentence enforcement for all defendants.[12]

## 3. Development of the investigation and proceedings

The original match-fixing prosecution and the case against its investigators concern different charges and groups of defendants. Decisions on admissibility or acquittal in the first case do not automatically establish intent to make false accusations in the later case. Investigators must be able to explain the facts, instructions and judicial orders underlying their original acts in order to answer the charges. The main stages are set out below.[13]

| Date | Judicial act | Significance for defence rights |
|---|---|---|
| 2 December 2010 | Instruction in investigation no. 2010/2287 signed by prosecutor Zekeriya Öz, reproduced in the reasoned judgment, directing enquiries and, where necessary, requests for technical surveillance | Prosecutorial direction supports the officials' defence that they acted within a chain of judicial authority.[14] |
| 21 April 2011 | Acts relating to İstanbul 12th Assize Court decision no. 2011/1458 | The distinct stages of reporting, requesting, judicial authorisation and authorised implementation require individual duties to be distinguished.[15] |
| 17 January 2014 | Court of Cassation, 5th Criminal Chamber, case no. 2013/16791, decision no. 2014/516 | Appellate decision finding the interception and surveillance measures lawful in the original case.[16] |

12 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text, Cumhuriyet (İHA), report of 26 June 2025 on fresh judgments concerning 15 defendants.

13 Reasoned judgment of 4 June 2021 (Annex 1), pp. 308, 356–357, 399, 413–418; Court of Cassation, 5th Criminal Chamber, decision of 17 January 2014, case no. 2013/16791, decision no. 2014/516 (Annex 11).

14 Reasoned judgment of 4 June 2021 (Annex 1), pp. 399.

15 Reasoned judgment of 4 June 2021 (Annex 1), pp. 408; Findings record of 18 January 2016 and attachments (Annex 5), İstanbul 12th Assize Court, order no. 2011/1458 of 21 April 2011 and related documents (Annex 7).

16 Court of Cassation decision of 17 January 2014 (Annex 11), pp. 8–15.

| Date | Judicial act | Significance for defence rights |
|---|---|---|
| 6 March 2014 | Entry into force of Law no. 6526 | Changes to the lists of offences eligible for investigative measures were relied on in allowing six persons' requests to reopen the original proceedings.[17] |
| 2015 | Decisions in the retrial of the original case | Different outcomes concerning admissibility and sufficiency of evidence; the investigators' intent must be assessed separately.[18] |
| 9 January 2018 | Defence submissions at the fifth hearing in the investigators' trial | Restrictions on explaining the development of the investigation through telephone recordings.[19] |
| 9–16 November 2020 | 18th hearing: testimony of Özgür Kaya and rulings on technical evidence and witness requests | Oral evidence used in the judgment and the defence's opportunity to challenge it.[20] |
| 28 January 2021 | Merger of panels and appointment of the presiding judge by HSK decision, according to his statement on 1 February | The source is the presiding judge's recorded statement, not the original HSK decision.[21] |
| 1–10 February 2021 | 19th hearing: new presiding judge and member, preparation of closing submissions, shared 90-minute limit | The panel change and defence restrictions coincided at the same stage.[22] |
| 17 May–4 June 2021 | 20th hearing: final panel, final defence submissions and judgment | Refusal of additional time and final decision.[23] |
| 22 April 2022 | İstanbul Regional Court of Appeal, 27th Criminal Chamber, case no. 2022/125, decision no. 2022/578 | Appellate review of the first-instance judgment.[24] |

17 Law no. 6526, Official Gazette, 6 March 2014, no. 28933, supplementary issue; Reasoned judgment of 4 June 2021 (Annex 1), pp. 308.

18 Reasoned judgment of 4 June 2021 (Annex 1), pp. 308; Anadolu Agency, "Reasoned Judgment in the Football Match-Fixing Case (3)", 28 October 2015, SonDakika.com.

19 fifth-hearing SEGBİS expert transcript (Annex 10), pp. 70–72, 90–91.

20 İstanbul 23rd Assize Court, minutes of the 18th hearing, 9–16 November 2020 (Annex 2).

21 19th-hearing expert transcript (Annex 6), pp. 1.

22 İstanbul 23rd Assize Court, minutes of the 19th hearing, 1–10 February 2021 (Annex 3).

23 İstanbul 23rd Assize Court, minutes of the 20th hearing, 17 May–4 June 2021 (Annex 4).

24 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text.

| Date | Judicial act | Significance for defence rights |
|---|---|---|
| 21 March 2024 | Court of Cassation, 3rd Criminal Chamber, case no. 2022/40464, decision no. 2024/4329 | Partial affirmance and reversal; the appellate outcome must be assessed separately for each defendant.[25] |
| 26 June 2025 | News report of fresh judgments concerning 15 defendants at İstanbul 23rd Assize Court | Fresh judgments after reversal by the Regional Court of Appeal; the report does not establish finality.[26] |

## 3.1 Investigating authorities and subsequent proceedings

The original investigation's chain of judicial authority includes Zekeriya Öz's initial instruction, Mehmet Berk's implementation instructions and measures ordered by different assize courts. These judicial foundations and each official's powers must be considered when assessing the charges. Presenting the acts solely as the work of the implementing police officers obscures the importance of prosecutorial instructions and judicial orders to the defence.[27]

The judgment of 4 June 2021 also directed that the HSK be informed about the prosecutors and judges who requested or authorised measures in the original investigation. The process concerning judicial officers is related to, but separate from, the police officers' trial. Assessing the case as a whole requires identifying the actor, legal basis and subsequent review of each act, rather than merging different professional roles under a single premise.[28]

## 3.2 Common issues and specific examples

The shared 90-minute rule concerns the defence arrangements for the case as a whole. Requests for additional time by Nazmi Ardıç and Ahmet Kalender, the preparation request by Furkan Durmaz's lawyer, İbrahim Emre's objection concerning usable digital access, the technical examination requested by Ömer Faruk Okşaş's lawyer and Muhammed Kaya's witness request illustrate different aspects of these arrangements.[29]

All defendants must effectively benefit from common procedural guarantees. Different charges and outcomes do not remove any defendant's right to an impartial tribunal, adequate

25 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text.

26 Cumhuriyet (İHA), report of 26 June 2025 on fresh judgments concerning 15 defendants.

27 Reasoned judgment of 4 June 2021 (Annex 1), pp. 399, 408, 413–418; Findings record of 18 January 2016 (Annex 5), Orders and related documents from the original investigation (Annex 7–9).

28 Reasoned judgment of 4 June 2021 (Annex 1), pp. 2897, paragraph 8; section 8.

29 İstanbul 23rd Assize Court, minutes of the 18th–20th hearings (Annex 2–4); 19th-hearing expert transcript (Annex 6).

preparation time and an opportunity to challenge evidence. The examples demonstrate how these common issues arose in the case.

# 4. Appearance of judicial impartiality

## 4.1 The judgment's own language

Section IV of the reasoned judgment, entitled "The Fetullahist Terrorist Organisation and Football", makes political and societal assessments about combating the organisation. Page 390 states, in translation: "The struggle against this organisation must not be confined to the President personally, the judicial authorities, the victim Fenerbahçe Sports Club or the other victims, but must be waged collectively." The same page describes members as "devoted to a mankurt life", using a demeaning expression associated with loss of independent identity. These passages appear in the judgment's general assessment, not as quotations from a defendant's submissions.[30]

A judicial body portraying itself as part of a struggle alongside the President, the victim party and society undermines defendants' confidence that they face an impartial tribunal. The court's role is to assess charges without prejudice, hear the defence and examine each defendant's position on concrete evidence. The language of struggle cannot replace these guarantees.

This language is particularly significant alongside passages attributing responsibility through occupational groups and organisational ties. A broad, pre-established narrative of societal struggle must not replace individual evidence when determining a defendant's knowledge and purpose in a particular act. SRL Swiss considers these passages a serious and concrete problem for the appearance of objective impartiality.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and paragraph 21 of General Comment No. 32 require judges to be free from bias and the tribunal to appear impartial to a reasonable observer. Assessing the court's language against that standard is distinct from appellate review of the substantive correctness of the judgment.[31]

## 4.2 Effective examination of impartiality objections

The guarantee of impartiality requires an independent body effectively to assess this language. The published cassation decision's general finding of procedural compliance does not identify a separate response to these passages. The Turkish authorities are requested to explain the objections raised, decisions delivered and remedies provided in this regard.[32]

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30 Reasoned judgment of 4 June 2021 (Annex 1), pp. 389–390.

31 International Covenant on Civil and Political Rights, Article 14; UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007.

32 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text.

# 5. Changes to the panel shortly before judgment

## 5.1 Panels at the final three hearings

| Stage | Presiding judge and members | Assessment of evidence |
|---|---|---|
| 18th hearing | Ömer Yıldırım; Muhammet Ziya Gündüz; Ali Çolak | Özgür Kaya testified before this panel. Technical evidence and witness requests were considered.[33] |
| 19th hearing | Ahmet Uğuz; Muhammet Ziya Gündüz; Murat Tuncer | The presiding judge and one member changed. The reading of earlier minutes was recorded. Expert reports and time for final defence submissions were addressed.[34] |
| 20th hearing | Ahmet Uğuz; Ali Çolak; Murat Tuncer | Ali Çolak rejoined the panel. The final three judges heard closing defence submissions and delivered judgment.[35] |

Between the 18th and 19th hearings, Ahmet Uğuz replaced presiding judge Ömer Yıldırım and Murat Tuncer replaced member Ali Çolak. Ali Çolak rejoined at the 20th hearing, while Muhammet Ziya Gündüz was no longer on the panel. The three-judge panel that delivered judgment thus took its final form at the last hearing.[36]

## 5.2 Legal significance of the changes

On 1 February 2021, Nazmi Ardıç asked whether the panel had changed and whether the new presiding judge's appointment was temporary. Ahmet Uğuz explained that the panels had been merged and that he had been appointed presiding judge by an HSK decision of 28 January 2021. His explanation did not identify the appointment decision's number, the criteria for selecting members or the method by which the new panel would assess earlier oral evidence.[37]

Defendants must be able to ascertain the objective criteria used to constitute a panel changed shortly before judgment and how it assessed evidence discussed before its predecessor. Disclosure of the appointment documents and methods of engaging with the evidence is necessary to review the guarantees of an impartial tribunal and an effective defence.

33 18th-hearing minutes (Annex 2), pp. 1–3, 29–32.

34 19th-hearing minutes (Annex 3), pp. 1–2, 9.

35 20th-hearing minutes (Annex 4), pp. 1 and operative provisions.

36 İstanbul 23rd Assize Court, minutes of the 18th–20th hearings (Annex 2–4), pp. 1.

37 19th-hearing expert transcript (Annex 6), pp. 1.

Özgür Kaya's account is significant in this respect. The judgment used his statement that information about the match-fixing operation had been discussed at an earlier meeting in its assessment of organisational motive. It also records that he said the defendants were not at that meeting, that he did not know who met whom about the particular operation, and that some conclusions were his own assessment. Distinguishing direct knowledge, hearsay and personal interpretation matters to the judgment's evidential foundation.[38]

The short minutes of the 18th hearing state that the testimony and questions were recorded audiovisually. Reading the short minutes is not equivalent to assessing the whole testimony and the defence questioning. The new panel's method of reviewing the full recording, its treatment of defence questions and its decisions on whether to rehear the witness require explanation. The judicial authorities are responsible for demonstrating how these safeguards were applied.[39]

Taken together, the panel changes, limits on final defence submissions and the judgment's language concerning impartiality call for scrutiny beyond an administrative staffing change. The Government is requested to explain the preparation time afforded to new members, their access to decisive evidence and the response to defence requests on these matters.

## 5.3 Prosecutors and panels at the hearings

The 18th-hearing record names Murat Yıldırım as prosecutor, Turgut Selvi for the sitting of 13 November, and Abdurrahman Hacı Salihoğlu in the heading of a later sitting. Hakan Gökalp Uçan appears at the opening of the 19th hearing and Murat Yıldırım subsequently. At the 20th hearing, Turgut Selvi appeared at the opening, Hakan Gökalp Uçan on 21 May and Murat Yıldırım on 1 June.[40]

The decisions of 10 February on the 90-minute limit and additional time were made by Ahmet Uğuz, Muhammet Ziya Gündüz and Murat Tuncer; the refusal of additional time on 1 June and judgment of 4 June were delivered by Ahmet Uğuz, Ali Çolak and Murat Tuncer. Oral directions about time came from the presiding judge; unanimous interlocutory rulings belonged to the relevant panel.[41]

38 Reasoned judgment of 4 June 2021 (Annex 1), pp. 394–395, 415.

39 18th-hearing minutes (Annex 2), pp. 2–3; 19th-hearing minutes (Annex 3), pp. 1.

40 18th-hearing minutes (Annex 2), pp. 1, 18, 23; 19th-hearing minutes (Annex 3), pp. 1, 6; 20th-hearing minutes (Annex 4), pp. 1, 10, 19.

41 19th-hearing minutes (Annex 3), pp. 1, 9; 20th-hearing minutes (Annex 4), pp. 19–20; 19th-hearing expert transcript (Annex 6), pp. 1, 8–9.

# 6. Lawyers' ability to provide an effective defence

## 6.1 Shared 90-minute limit and exclusion of additional time

Paragraph 10 of the interlocutory ruling of 10 February 2021 allocated a total of 90 minutes to each defendant and counsel for final defence submissions responding to the prosecutor's closing opinion, leaving them to divide that time between themselves. It was not 90 minutes each. Paragraph 8 stated that no further time beyond the next hearing would be allowed and that failure to make submissions would be treated as a waiver.[42]

In its time-limit ruling, the court stated that initial defence submissions had been heard in detail without a time limit and that the restriction on final submissions had been announced in advance. The minutes also record written submissions. Earlier submissions and written material do not replace sufficient oral time for a defendant and counsel to perform their separate functions in answering the prosecution's closing opinion.[43]

The shared ceiling does not separately assess the scope of the final prosecution opinion, the volume of technical reports, the number of charges and alleged victims, counsel's representation workload or the issues requiring an answer. When a defendant's factual account takes longer, less time remains for counsel's legal argument: this directly affects effective defence.

Paragraph 32 of General Comment No. 32 requires adequate preparation time to be assessed in the circumstances of the case; paragraphs 33 and 34 address access to evidence and effective legal assistance. Principles 16 and 21 of the Basic Principles on the Role of Lawyers protect professional duties from improper interference and ensure timely access to necessary documents. Earlier defence opportunities may be considered but do not automatically remove the need for an effective response to a new or extensive prosecution opinion.[44]

## 6.2 A specific request for additional time

On 1 June 2021, Furkan Durmaz's lawyer, Mehmet Korucu, requested time to prepare the defence. The court refused, citing service of the prosecutor's closing opinion on all parties, notification of the hearing schedule and the stage reached. The short minutes do not reproduce the request in detail; they state that the submissions were recorded audiovisually.[45]

Reference to service and the hearing schedule does not explain how counsel's actual preparation needs were met. The refusal therefore does not establish that the standard time arrangements sufficed for an effective defence.

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42 19th-hearing minutes (Annex 3), pp. 9.

43 19th-hearing minutes (Annex 3), pp. 9, paragraph 10–11; 20th-hearing minutes (Annex 4), pp. 1–5.

44 UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007; UN Basic Principles on the Role of Lawyers, principles 16 and 21.

45 20th-hearing minutes (Annex 4), pp. 20.

Page 7 of the 19th-hearing minutes records refusal of Nazmi Ardıç's request for more time to address expert reports and other matters, on the grounds that he had already received 45 minutes like other defendants and could submit the remainder in writing. The defence thus faced standard limits at two distinct stages. These limits concern different stages of submissions, not the total duration of the defendant's defence throughout the trial.[46]

## 6.3 Recorded effects of the time limit

In the detailed transcript of the 19th hearing, Ahmet Kalender said 45 minutes was insufficient to answer witness statements and requested another 30–45 minutes. The presiding judge said the limit was not negotiable and that the remainder could be submitted in writing. Kalender then stated that he could not make oral submissions on the witness statements. The record thus demonstrates the rule's effect on the scope of the oral response.[47]

Nazmi Ardıç requested that the experts be heard in court and that he respond to their reports after questioning them; the request to summon the experts was refused. Later in the same hearing, the 45-minute limit was reiterated. This record shows why time restrictions and the opportunity to challenge technical evidence must be assessed together.[48]

The 45 minutes for responding to documents and witness statements and the shared 90 minutes for final defence submissions concern separate stages. Both require sufficient time to meet the defence's specific needs.

## 6.4 Usable access to documents and preparation

At the 19th hearing, Emre stated that illness, quarantine and a prison transfer had prevented him from examining the documents, that CD access had been provided only for very short periods and that he was unprepared. He requested time and attendance in person. The presiding judge's reply that the documents had been sent and acknowledgements received did not answer his objection that he could not actually use the material. Effective examination and preparation, alongside proof of delivery, are decisive for defence rights.[49]

Emre's request to attend in person was granted, and on 1 June 2021 he presented his substantive defence in court with his lawyer Fatma Ceyda Kaçar. The minutes also record a letter from Bolu F-Type Prison concerning service of the prosecution opinion on 20 April 2021. Attendance and delivery of documents do not, however, establish that usable access and adequate preparation time had previously been provided.[50]

46 19th-hearing minutes (Annex 3), pp. 7.

47 19th-hearing expert transcript (Annex 6), pp. 8–9.

48 19th-hearing expert transcript (Annex 6), pp. 1–2, 50–51; 19th-hearing minutes (Annex 3), pp. 7.

49 19th-hearing expert transcript (Annex 6), pp. 9, 50.

50 19th-hearing minutes (Annex 3), pp. 8, paragraph 3; 20th-hearing minutes (Annex 4), pp. 4, 19–20.

### 6.5 Effective preparation and remedial safeguards

At the 19th hearing, the court ordered expert transcription of the hearing recordings, uploading to UYAP and individual service on detained defendants on CDs. For these steps to protect defence rights, copies must be timely, complete and usable, and defendants must have adequate opportunities to prepare with counsel. An order to send documents does not remove the obligation to answer specific objections concerning usable access and adequate time.[51]

Effective redress must be assessed through the time available for examining documents, computer or CD access and opportunities to prepare with counsel. The Turkish authorities' response should address how recorded preparation impediments were remedied, not merely how documents were dispatched or served.[52]

## 7. Ability to challenge technical and witness evidence

### 7.1 Request concerning the lawful interception module

Ömer Faruk Okşaş's lawyer requested production of interception recordings and transcripts, an expert report on the lawful interception module or testimony from an authorised person as an expert. The court refused these requests at the 18th hearing. It referred to the recordings being held in İstanbul 13th Assize Court's file, their assessment there or prospective assessment, an existing expert report on technical and physical surveillance order documents, and acquisition of the earlier case file.[53]

The request sought to clarify which technical operations particular personnel were authorised to perform in this case. Assessment of intercepted conversations in another trial does not answer that question. Examination of order documents cannot replace technical examination of the software's permissions, user actions and record-production process.

Refusal of an examination sought to challenge the technical foundation of a charge must address the request's specific subject. The existing experts' terms of reference, the materials examined, access afforded to lawyers and answers to technical objections should be disclosed. Effective defence requires access to technical evidence capable of demonstrating defendants' individual duties and powers.

### 7.2 Request to hear a witness

At the same hearing, the court refused Muhammed Kaya's request to hear Fuat Birtan, who had made statements about him under the effective-remorse provisions, in person. The court stated that this statement was not the sole evidence, that other evidence existed and that

51 19th-hearing minutes (Annex 3), pp. 8, paragraph 3; pp. 10, paragraph 19.

52 20th-hearing minutes (Annex 4), pp. 4, 19–20; 19th-hearing expert transcript (Annex 6), pp. 50.

53 18th-hearing minutes (Annex 2), pp. 31, paragraph 13 (continued).

personal examination was not considered mandatory under Article 210(1) of the Code of Criminal Procedure.[54]

A statement not being the sole evidence does not remove a defendant's right to challenge its reliability. Its weight in the judgment, any earlier opportunity for defence questioning and how the disadvantage caused by non-attendance was remedied must be specifically demonstrated. Paragraph 39 of General Comment No. 32 is relevant to the right effectively to challenge witness evidence.[55]

## 7.3 Explaining intercepted conversations and answering false-accusation charges

On 9 January 2018, İbrahim Emre argued that the investigation had not targeted predetermined individuals but had expanded gradually through information obtained from telephone conversations. He explained that he referred to the conversations to rebut the allegation of a fabricated investigation and show how evidence led to suspects. This concerned the investigators' knowledge and purpose, rather than a request to redetermine the football officials' guilt.[56]

During the same exchange, lawyer Fesih Delidere objected to reading interception transcripts, stating that the previous presiding judge had not allowed it. The presiding judge referred to avoiding repetition and directed Emre to "give the transcript numbers", asking him to describe matters without detailing the contents. Emre said the numbers were not then available to him and that merely mentioning an indication would not explain how the investigation developed. In response to the direction that there was "no need to set out each conversation", he said he was reading only a few lines from lengthy conversations.[57]

Although some extracts were read before and after these interventions, the judge's directions restricted the defendant's explanation of the investigation's development through the conversations. Emre objected that numbers alone or a brief reference to an indication could not convey his defence. Restrictions on an explanation directly answering a charge cannot be dismissed without demonstrating how the defence's specific need was met.[58]

Later that day, Emre stated that police had not invented the contents of the recordings; the presiding judge likewise said that this case did not allege police interference with their contents but concerned unlawful interception. The 2021 reasoning also states that transcribers were not accused of writing text inconsistent with the audio, deleting material or making

54 18th-hearing minutes (Annex 2), pp. 31, paragraph 15.

55 UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007.

56 fifth-hearing SEGBİS expert transcript (Annex 10), pp. 70–72.

57 fifth-hearing SEGBİS expert transcript (Annex 10), pp. 71.

58 fifth-hearing SEGBİS expert transcript (Annex 10), pp. 70–72.

additions. This distinction, important to the defence, should prevent any impression that the recorded contents were fabricated or altered.[59]

To answer false-accusation charges, defendants must be able to explain the specific grounds on which the conversations gave rise to suspicion. A recording's inadmissibility in the original trial does not justify leaving unanswered a defence explaining the investigator's contemporaneous knowledge. The court must assess the factual grounds advanced and, if it restricts oral presentation, provide an effective means of presenting the same defence. Treating explanations directly concerning the mental element of the offence merely as matters for another case weakens defendants' ability to rebut the charge.[60]

# 8. Judicial orders and individual responsibility

## 8.1 Distinguishing police, prosecutorial and judicial acts

The prosecutorial instruction of 2 December 2010 reproduced in the judgment and subsequent interception requests show the chain of judicial authority. A police report, a prosecutor's request and a judge's order are separate acts exercising distinct powers. The legal significance of those orders and instructions, and the limits of implementing officers' duties, must be preserved when assessing their defence.[61]

The court assessed information and warnings about shortcomings in reports, superiors' conduct and organisational ties. The essential safeguard is that these general assessments must not replace evidence of individual conduct and intent. Each defendant's defence requires a separate answer identifying the act, the individual evidence and the relevant element of the offence.[62]

Subsequent dismissal of officials or convictions for organisational membership in other proceedings do not establish that every act in this investigation was criminal. Shared intent cannot be presumed from professional position or signature. A defence explaining an individual's duties, information, documents, prosecutorial instructions and judicial orders requires an individual response.

## 8.2 Illustration through decision no. 2011/1458

The findings record of 18 January 2016 states that Necmettin Karapınar and Müslüm Atmaca were authorised to sign a communications record pursuant to İstanbul 12th Assize Court

59 fifth-hearing SEGBİS expert transcript (Annex 10), pp. 90–91; Reasoned judgment of 4 June 2021 (Annex 1), pp. 416.

60 fifth-hearing SEGBİS expert transcript (Annex 10), pp. 71, 90–91; Reasoned judgment of 4 June 2021 (Annex 1), pp. 356–357; International Covenant on Civil and Political Rights, Article 14; UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007; UN Basic Principles on the Role of Lawyers, principles 16 and 21.

61 Reasoned judgment of 4 June 2021 (Annex 1), pp. 399, 408, 413–417.

62 Reasoned judgment of 4 June 2021 (Annex 1), pp. 413–417.

decision no. 2011/1458 of 21 April 2011, and that prosecutor Mehmet Berk granted the authorisation. The attached table gives 18 May 2011 as the conversation date and 2 June 2011 as the record date.[63]

The documents concerning the order of 21 April 2011 show the sequence: a report dated 20 April 2011 signed by Soner Koç; a request signed by Nazmi Ardıç; judge Mehmet Hamzaçebi's order no. 2011/1458; and prosecutor Mehmet Berk's implementation and authorisation instruction. Transmission to the technical unit is also recorded. Preparing a report, requesting a measure, judicial authorisation and an implementation instruction are distinct acts.[64]

Koç's report reproduces the Turkish Football Federation's statement concerning cancellation of an examination and also contains information about the questions arriving by courier, remaining with Ali Parlak and being handed to the legal department. The 2021 court's criticism particularly concerns the source of this latter information. It cannot be extended to imply that the entire report was unsourced. The subsequent judicial order and prosecutorial instruction support the defence concerning implementing officials' duties and powers.[65]

Koç's preparation of the report, Ardıç's signature on the request, Hamzaçebi's order, Berk's implementation instruction and the authorised technical transcription by Karapınar and Atmaca are different professional activities. They cannot be merged into a single presumption of guilt. Documents showing reliance on authorised judicial orders and instructions must be treated as essential foundations of the defence concerning individual responsibility.[66]

## 8.3 Judges authorising measures in the original investigation

The table below identifies judges who authorised measures in the original investigation, with an example for each. These documents show that investigative acts were based on judicial orders and that powers were distributed among different authorities. Defences relying on these orders and instructions cannot be excluded from assessment.[67]

| Judge | Court and example decision | Annex and source page |
|---|---|---|
| Mehmet Hamzaçebi | Assize Court no. 12 • 21.04.2011 • 2011/1458 | Annex 7; source p. 5 |
| Mehmet Ekinci | Assize Court no. 11 • 11.04.2011 • 2010/860 | Annex 8; source p. 4 |

63 Findings record of 18 January 2016 (Annex 5), pp. 1–4.

64 Order of 21 April 2011 and related documents (Annex 7), pp. 5–11.

65 Order of 21 April 2011 and related documents (Annex 7), pp. 5–11; Reasoned judgment of 4 June 2021 (Annex 1), pp. 408.

66 Findings record of 18 January 2016 (Annex 5); Order of 21 April 2011 and related documents (Annex 7).

67 Orders and related documents from the original investigation (Annex 7–9).

| Judge | Court and example decision | Annex and source page |
|---|---|---|
| Hadi Çağdır | Assize Court no. 14 • 24.01.2011 • 2011/37 | Annex 9, order 1; source p. 5 |
| Yakup Hakan Günay | Assize Court no. 14 • 07.04.2011 • 2011/1054 | Annex 9, order 2; source p. 9 |
| Resul Çakır | Assize Court no. 14 • 07.03.2011 • 2011/423 | Annex 9, order 3; source p. 5 |
| Gökmen Demircan | Assize Court no. 13 • 30.03.2011 • 2011/928 | Annex 9, order 4; source p. 5 |
| Dursun Ali Gündoğdu | Assize Court no. 13 • 22.02.2011 • 2011/519 | Annex 9, order 5; source p. 5 |
| Mehmet Karababa | Assize Court no. 12 • 22.03.2011 • 2011/909 | Annex 9, order 6; source p. 5 |
| Mehmet Erdoğan | Assize Court no. 12 • 15.02.2011 • 2011/545 | Annex 9, order 7; source p. 5 |
| Birol Bilen | Assize Court no. 11 • 14.03.2011 • 2011/409 | Annex 9, order 8; source p. 5 |
| Murat Üründü | Assize Court no. 10 • 18.01.2011 • 2011/52 | Annex 9, order 9; source p. 5 |
| İbrahim Balık | Assize Court no. 10 • 01.03.2011 • 2011/551 | Annex 9, order 10; source p. 5 |
| Tuncay Aslan | Assize Court no. 9 • 21.12.2010 • 2010/2423 | Annex 9, order 11; source p. 5 |
| Mustafa Boz | Assize Court no. 9 • 07.02.2011 • 2011/27 | Annex 9, order 12; source p. 5 |
| Nurullah Çınar | Assize Court no. 13 • 26.04.2011 • 2011/1261 | Annex 9, order 13; source p. 5 |

Mehmet Berk's implementation instruction of 21 April 2011 appears in a signed document. The confirmation request of 11 April 2011 records that Berk had been informed by telephone the previous day and that technical surveillance began on his oral instruction. In the latter instance, the source for the prosecutor's oral instruction is the police letter; Mehmet Ekinci's confirmation order is a separate document.[68]

## 8.4 Proceedings concerning judges and prosecutors

Paragraph 8 of the judgment's common operative provisions directed that the HSK be informed for consideration of appropriate action concerning the prosecutors and judges who

68 Order of 21 April 2011 and related documents (Annex 7), pp. 7; İstanbul 11th Assize Court, confirmation order no. 2010/860 of 11 April 2011 and related documents (Annex 8), pp. 4–5.

acted, made requests or issued decisions in investigation no. 2010/2287. This referral shows that safeguards against turning judicial duties and legal interpretation into criminal liability also matter for members of the judiciary.[69]

News reports dated 5 November 2021 and 26 October 2022 describe a separate indictment against former judges and prosecutors and the start of proceedings before the Court of Cassation. An explanation is sought of the charges and outcomes in those proceedings in light of safeguards for professional decision-making. The reports are not used as evidence of current final judgments.[70]

Instructions by Zekeriya Öz and Mehmet Berk and orders by the judges authorising measures formed the judicial basis of the original investigation. By contrast, prosecutor Fuzuli Aydoğdu's instruction of 20 July 2015, mentioned in the findings record of 18 January 2016, concerns the subsequent investigation into the officials.[71]

## 8.5 Legislative change and grounds for acquittal in the original case

The sequence of decisions in the original match-fixing case illustrates why the legal status of evidence and an investigator's individual intent must be examined separately. On 17 January 2014, the Court of Cassation's 5th Criminal Chamber found that measures under Articles 135 and 140 of the Code of Criminal Procedure had a statutory basis and had been properly applied. It considered and rejected the objection that organisational membership was outside the list of eligible offences, reasoning that a person's role in an organisation subject to investigation for its formation might become clear only at trial. It also found no circumvention of the law or unlawfulness in the evidence obtained. Some issues later relied on as grounds of unlawfulness had thus received a different assessment on earlier appellate review.[72]

Articles 12 and 14 of Law no. 6526, which entered into force on 6 March 2014, removed the provisions concerning formation of an organisation for the purpose of committing offences from the lists eligible for interception and technical surveillance under Articles 135 and 140. İstanbul 13th Assize Court's decision no. 2014/236 (miscellaneous proceedings), reproduced in the 2021 judgment, found six convicted persons' reopening requests admissible by assessing those amendments under Article 311(1)(e). The same decision rejected reopening requests based on allegations of a conspiracy and falsification of hearing minutes.[73]

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69 Reasoned judgment of 4 June 2021 (Annex 1), pp. 2897.

70 Anadolu Agency, report of 5 November 2021 on the indictment of former judges and prosecutors; Anadolu Agency, report of 26 October 2022 on the proceedings against judges and prosecutors before the Court of Cassation.

71 Reasoned judgment of 4 June 2021 (Annex 1), pp. 399; Findings record of 18 January 2016 (Annex 5), pp. 1; Order of 21 April 2011 and related documents (Annex 7); Confirmation order of 11 April 2011 and related documents (Annex 8).

72 Court of Cassation decision of 17 January 2014 (Annex 11), pp. 8–15; Reasoned judgment of 4 June 2021 (Annex 1), pp. 402.

73 Law no. 6526, Official Gazette, 6 March 2014, no. 28933, supplementary issue, Article 12, 14, 20; Reasoned judgment of 4 June 2021 (Annex 1), pp. 308.

An Anadolu Agency report of 28 October 2015 about the 2015 judgment describes communications recordings being considered procedurally unlawful and invalid for match-fixing and incentive-payment offences, and insufficient evidence for organisational and certain other charges. The 2021 judgment states that some persons were also convicted of certain offences in 2015. Outcomes in the original case must therefore be assessed by person and charge. The essential defence point is that a change in the legal treatment of evidence cannot be equated with an investigator's intent to make false accusations.[74]

The Court of Cassation's 2014 assessment that the measures were lawful is central to the defence. The 2021 court took a different approach to organisational membership's place in the list of eligible offences, the distinction between founders and managers, and acts predating Law no. 6222. Differences in approach to the same legal questions do not by themselves show that defendants knowingly made false accusations. The court must specifically address the earlier appellate assessment and the defences relying on it.[75]

## 8.6 Linking false-accusation intent to individual conduct

According to the court's own legal explanation, the offence of false accusation requires knowledge that the person accused did not commit the act and a purpose of securing investigation, prosecution or an administrative sanction against that person. The reasoning expressly states that reporting conduct on a belief or suspicion grounded in particular events and facts does not establish the offence. This standard requires a distinction between defective interception procedure, failure to prove an allegation and knowingly making a false accusation.[76]

References to shortcomings in reports, warnings, superiors' attitudes and an assumed organisational purpose cannot replace the obligation to prove the specific knowledge element for each defendant and accusation. An assessment of a measure's procedural legality is distinct from knowingly acting against someone who did not commit the alleged act. The defence that officials acted on fact-based suspicion requires an answer grounded in individual evidence.[77]

This transition is illustrated by the judgment concerning İbrahim Emre. The court began its assessment of other offences by referring to his rank, its finding that the investigation was irregular and organisationally motivated, and his organisational-membership conviction, attributing responsibility for different offences on the basis of documents he prepared. It then imposed separate penalties for false accusations against 19 people, applying the successive-offence provisions in respect of Özden Tütüncü. This part of the judgment does not separately identify which allegation he knew to be false for each alleged victim or why his explanation of

74 Anadolu Agency, "Reasoned Judgment in the Football Match-Fixing Case (3)", 28 October 2015, SonDakika.com; Reasoned judgment of 4 June 2021 (Annex 1), pp. 308.

75 Court of Cassation decision of 17 January 2014 (Annex 11), pp. 8–15; Reasoned judgment of 4 June 2021 (Annex 1), pp. 402.

76 Reasoned judgment of 4 June 2021 (Annex 1), pp. 356–357.

77 Reasoned judgment of 4 June 2021 (Annex 1), pp. 356–357, 413–417.

suspicion based on the conversations was rejected. The reference to general reasoning calls for examination of whether that link was adequately established.[78]

Each false-accusation conviction requires a concrete connection between the accusation, document, individual actor and person treated as the victim in the judgment. Defendants' explanations of suspicion based on the recordings directly concern the knowledge and purpose requirements acknowledged by the court itself. An earlier acquittal or inadmissibility of communications recordings is not proof that an investigator knowingly made a false accusation. Restricting essential defences and substituting general reasoning for individual evidence therefore raises serious fair-trial concerns.[79]

## 9. Individual responsibility and differing outcomes

The court distinguishes officers by rank and between interception operators, transcribers, physical-surveillance personnel and administrative writers. Its reasoning states that transcribers were not accused of producing text inconsistent with the audio, deleting or adding material, and that there was no evidence supporting allegations of alteration or montage of physical-surveillance records. For those groups it applied Article 30(4) of the Criminal Code concerning unavoidable mistake as to unlawfulness. These distinctions demonstrate the need for separate assessment of every duty and individual.[80]

For interception operators and administrative writers, organisational membership appears decisive in the assessment of intent. The judgment states that people in these groups whose membership was not proved could not have acted with an organisational motive and would benefit from the mistake provisions, while attributing responsibility for other offences to those treated as members. A membership finding in another case cannot replace individual evidence of the elements of the offence for each document and alleged victim.[81]

| Example | Distinction in the judgment | Legal significance |
|---|---|---|
| Burhan Koçak | Acquittal of membership; decision not to impose punishment for other offences because of transcription duties.[82] | The membership charge and acts performed in the course of duties were assessed separately. |

78 Reasoned judgment of 4 June 2021 (Annex 1), pp. 1232–1234.

79 Reasoned judgment of 4 June 2021 (Annex 1), pp. 356–357, 413–417, 1232–1234; fifth-hearing SEGBİS expert transcript (Annex 10), pp. 70–72, 90–91.

80 Reasoned judgment of 4 June 2021 (Annex 1), pp. 415–417.

81 Reasoned judgment of 4 June 2021 (Annex 1), pp. 416–417.

82 Reasoned judgment of 4 June 2021 (Annex 1), pp. 2764.

| Example | Distinction in the judgment | Legal significance |
|---|---|---|
| Engin Yüksel | The membership conviction was distinguished from the assessment of other offences arising from transcription duties.[83] | A membership finding did not automatically produce convictions for other offences across every occupational role. |
| Yunus Memişbey | Membership proceedings severed; other offences assessed through interception duties and reliance on a membership conviction in another case.[84] | How the outcome in another case proves intent concerning a particular interception report requires a separate explanation. |
| Administrative writers and interception operators | The general reasoning distinguishes mistake and intent according to the finding on membership.[85] | Knowledge and contribution in a specific act must be reviewed separately from the group-based assessment. |

The outcomes in the table concern the judgment of 4 June 2021. They demonstrate the importance of the criteria used to assess individual conduct and intent; they do not establish current finality or sentence-enforcement status.

## 9.1 Concrete consequences of the judgment

The 2021 judgment also matters for liberty, property and the use of judgments from other proceedings. It ordered İbrahim Emre's continued detention, declared Soner Koç a fugitive and ordered seizure of his assets and receivables in Türkiye under Article 248(1) of the Code of Criminal Procedure. Seizure is not confiscation. Although Necmettin Karapınar's membership charge was referred to a separate case, reliance on a separate membership conviction informed the assessment of other offences. These examples concern the 2021 judgment and do not establish current sentence-enforcement status.[86]

Separate penalties concerning numerous persons and application of the successive-offence provisions increased the severity of the convictions. The 2024 cassation decision stated that the application of Article 43 of the Criminal Code on successive offences required discussion for certain convictions. Individual sentences imposed and the actual period to be served are subject to separate legal assessments.[87]

83 Reasoned judgment of 4 June 2021 (Annex 1), pp. 2769–2770.

84 Reasoned judgment of 4 June 2021 (Annex 1), pp. 2739–2742.

85 Reasoned judgment of 4 June 2021 (Annex 1), pp. 416–417.

86 Reasoned judgment of 4 June 2021 (Annex 1), pp. 1232–1234, 2242–2245, 2633–2636, 2897.

87 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text.

# 10. Appellate review and effective remedies

The published anonymised text of the Court of Cassation's 3rd Criminal Chamber decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, contains both affirmances and reversals. For the affirmed judgments, it accepts that defence opportunities were provided. The anonymised text does not allow reliable matching of each outcome to the particular defendants named in this report.[88]

Reliance in the published cassation text on the opportunity to submit a written defence does not demonstrate individual answers to the objections documented here concerning usable access and shared time limits. The Turkish authorities are requested to identify which appellate decision, and which passages, addressed these essential objections.[89]

An İHA-sourced report dated 26 June 2025 states that İstanbul 23rd Assize Court delivered fresh judgments concerning 15 people after a procedural reversal by the Regional Court of Appeal. It reports aggregate sentences of 20 years, 10 months and 15 days for Soner Koç and 19 years, 7 months and 15 days for İbrahim Emre for violations of communications confidentiality, forgery of official documents and false accusation. These figures are not used as totals across all proceedings, including membership, or as actual periods to be served.[90]

The 2025 report concerns the 15-defendant retrial following the Regional Court of Appeal's reversal. It does not explain how those proceedings overlap with the persons and offences in the Court of Cassation's 2024 decision. The two sources cannot be treated as a single process establishing finality for all defendants.[91]

Effective redress in subsequent proceedings depends on adequate preparation time, removal of access impediments, reconsideration of important witness and expert requests, and independent examination of impartiality objections. A change in sentence alone does not demonstrate that these guarantees were secured.

# 11. Legal assessment

## 11.1 Independent and impartial tribunal

Article 14(1) of the ICCPR protects an independent and impartial tribunal. Defendants have a right to a court free from external influence that assesses the dispute without prejudice. The court's own language of struggle and the unexplained safeguards surrounding panel changes

88 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text.

89 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text.

90 Cumhuriyet (İHA), report of 26 June 2025 on fresh judgments concerning 15 defendants.

91 Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text, Cumhuriyet (İHA), report of 26 June 2025 on fresh judgments concerning 15 defendants.

shortly before judgment are concrete issues to be assessed together when examining how that right operated in this case.[92]

Principles 2 and 4 of the Basic Principles on the Independence of the Judiciary protect decision-making from improper influence and interference; principle 14 provides that the assignment of cases within a court is an internal matter of judicial administration. In this light, the basis of the panel change and the safeguards enabling new members to assess decisive evidence must be explained.[93]

## 11.2 Effective legal assistance and access to evidence

Counsel's presence in court is not sufficient to ensure effective defence. Time commensurate with the charges, usable access to the file and an opportunity to prepare responses to technical evidence are required. The shared 90-minute limit, advance exclusion of additional time and refusal of reasoned requests without meeting individual needs restricted counsel's defence function in this case. SRL Swiss considers these practices incompatible with the safeguards in Article 14(3)(b) and (d) of the ICCPR and, for the relevant witness requests, Article 14(3)(e).[94]

## 11.3 Protection of judicial functions and the presumption of innocence

Performance of judicial functions free from pressure requires that professional decisions and acts not subsequently be assessed under a collective presumption of guilt. Principles 4 and 13 of the Guidelines on the Role of Prosecutors protect the objective performance of duties without pressure. Human Rights Council resolution 56/3 likewise emphasises the performance of duties by judges, lawyers and prosecutors free from interference. These safeguards require effective consideration of defendants' reliance on authorised orders and instructions.[95]

A report subsequently considered inadequate cannot be turned into a conclusion that its author knowingly committed an offence. Assignment, signature, dismissal or a membership finding in another case does not remove the obligation to establish each offence's elements through individual evidence. SRL Swiss requests protection of the presumption of innocence, the right to explain the judicial foundations of investigative work and the opportunity effectively to rebut the charges.

92 International Covenant on Civil and Political Rights, Article 14; UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007.

93 UN Basic Principles on the Independence of the Judiciary, principles 2, 4 and 14.

94 İstanbul 23rd Assize Court, minutes of the 18th–20th hearings (Annex 2–4); 19th-hearing expert transcript (Annex 6); International Covenant on Civil and Political Rights, Article 14; UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007; UN Basic Principles on the Role of Lawyers, principles 16 and 21.

95 UN Guidelines on the Role of Prosecutors, principles 4 and 13; UN Human Rights Council, A/HRC/RES/56/3, 2024, §§ 1, 4, 7–10 and 18.

# 12. Questions requested to be put to the Turkish authorities

SRL Swiss requests answers identifying the relevant documents, reference numbers and decisions. General descriptions of legislation will not suffice unless they demonstrate how the safeguards were applied in this case.

**1. Time and conditions afforded to the new panel to examine the file.** What time and working conditions were provided to enable the new panel, formed approximately three to four months before judgment, to examine tens of thousands of pages, earlier hearing recordings, expert reports and defendants' submissions? What records establish when members received the file, their hearing and caseload commitments during that period and the scope of their examination?

**2. Judgment by a panel that had not participated in earlier stages.** How did the new panel assess defence submissions and decisive oral statements made before its predecessors? Which hearing recordings were watched or listened to, and which witnesses and experts were reheard? If these steps were not taken, what safeguards enabled members absent from earlier stages to assess the evidence directly and examine defendants' objections effectively?

**3. Explanation of the acts and elements underlying convictions.** For each conviction, which passages explain which defendant performed what specific act, when and how, and how it satisfied the material and mental elements of the offence? In particular, what concrete evidence justified moving from performance of duties, a signature on a document or participation in the investigation to a finding of individual criminal conduct and intent?

**4. Criteria for differing outcomes concerning comparable acts.** What objective criteria were applied when defendants involved in the same or comparable investigative acts, or whose signatures appeared on documents of the same nature, received different outcomes? What specific differences in conduct, authority, knowledge and intent were identified between those convicted and those not convicted, and how were they reasoned in the judgment?

**5. Acts based on prosecutorial instructions and judicial orders.** When attributing criminal responsibility to police officials for acts said to have been performed under prosecutorial instructions and judicial orders, what conduct by each defendant was found to fall outside those instructions or orders? On what specific grounds were their defences that they acted within the chain of judicial authority rejected?

**6. Right to explain intercepted conversations in response to false-accusation charges.** Why were defendants restricted in explaining the facts on which they acted during the original investigation? Given the limits on explaining intercepted conversations in court, what effective opportunities were provided to rebut the central allegation of knowingly making a false accusation? How were these defences assessed before judgment?

**7. Distinction between admissibility and knowingly making a false accusation.** How were the original match-fixing trial's legal assessments of the admissibility of intercepted communications treated in the later false-accusation convictions of investigators? Apart from inadmissibility or acquittal in the original case, what independent, concrete evidence established that each defendant knew at the time that the accusation was false?

**8. Defence time in light of the file's volume.** What specific assessment supported the adequacy of a shared 90 minutes for a defendant and counsel in a case comprising tens of thousands of pages? When requests for additional time, questioning experts and examining digital evidence were refused, how was defendants' ability effectively to answer the evidence underlying their convictions secured?

**9. Responses to essential defences and appellate review.** Which passages of the first-instance and appellate decisions specifically answered objections concerning failure to individualise conduct and intent, different outcomes for comparable acts, restrictions on explaining intercepted conversations and insufficient defence time? Where shortcomings were found, what measures remedied their consequences for the defendants?

# 13. Requested intervention and conclusion

SRL Swiss requests the Special Rapporteur to transmit an allegation letter to the Government of Türkiye and seek answers to the specific questions in section 12 supported by the relevant decisions and documents. The purpose is to protect defendants' right to an effective defence before an impartial tribunal and secure effective remedies for the documented impediments.[96]

Recommendations are requested that the Turkish authorities provide defence time appropriate to the individual and the case, avoid excluding reasoned requests for additional time in advance, ensure usable access to digital evidence, address important witness and expert requests with specific reasons, and safeguard assessment of decisive oral evidence when panels change. Impartiality concerns and failures to answer essential defences should undergo independent, effective judicial review capable of remedying their consequences.

To enable this examination, preservation is requested of the original audio and video recordings of the fifth and 18th–20th hearings, delivery and examination records, technical evidence and HSK appointment documents. Follow-up is requested on implementation of remedies identified in the Turkish authorities' response and on matters left unanswered.

Protection against reprisals is requested for persons and lawyers cooperating with this submission, together with respect for their consent and confidentiality preferences when sharing personal information. This is a preventive protection request; it does not allege a specific threat incident.

Taken together, the court's identification with a struggle, unexplained safeguards surrounding late panel changes, standardised time limits and responses to essential evidentiary requests show a problem extending beyond a single interlocutory ruling. The documents reveal connected practices narrowing defendants' ability effectively to rebut the charges. SRL Swiss therefore seeks the Special Rapporteur's intervention to protect impartiality and defence guarantees across the proceedings.

96 19th-hearing expert transcript (Annex 6), pp. 1; section 5.

# 14. Findings and documentary references

| Finding | Document and relevant page | Significance for defence rights |
|---|---|---|
| Shared 90-minute limit for final submissions | 19th-hearing minutes (Annex 3), p. 9, paragraph 10 | The distinct defence functions of the defendant and lawyer were compressed into one ceiling. |
| Additional time excluded in advance | 19th-hearing minutes (Annex 3), p. 9, paragraph 8 | Reasoned preparation requests require assessment of individual needs. |
| Lawyer Korucu's time request refused | 20th-hearing minutes (Annex 4), p. 20, 1 June 2021 | Service and scheduling information do not meet counsel's actual preparation needs. |
| Nazmi Ardıç denied additional time | 19th-hearing minutes (Annex 3), p. 7 | Written submissions do not remove the need to answer expert and other evidence orally. |
| Panel changed during the final three hearings | 18th-hearing minutes (Annex 2); 19th-hearing minutes (Annex 3); 20th-hearing minutes (Annex 4), p. 1; 19th-hearing expert transcript (Annex 6), p. 1 | The new panel's formation and assessment of decisive evidence require explanation. |
| Witness account passed to a new panel for assessment | 18th-hearing minutes (Annex 2), pp. 2–3; reasoned judgment of 4 June 2021 (Annex 1), pp. 394–395 | The new panel must assess the complete statement and the defence's questions. |
| Request for examination of the interception module refused | 18th-hearing minutes (Annex 2), p. 31, continuation of paragraph 13 | An examination capable of clarifying personnel's technical powers and operational limits was not provided. |
| Request to hear Fuat Birtan in person refused | 18th-hearing minutes (Annex 2), p. 31, paragraph 15 | The defendant's need to challenge an incriminating statement remained. |
| Judgment uses the language of struggle | Reasoned judgment of 4 June 2021 (Annex 1), pp. 389–390, section IV | The court's identification with a struggle undermines the right to an impartial tribunal. |
| Record confirms authorised technical implementation | Findings record of 18 January 2016 (Annex 5), pp. 1–4 | Prosecutorial authorisation directly supports the defence on the limits of technical personnel's duties. |
| Judges and prosecutors referred to the HSK | Reasoned judgment of 4 June 2021 (Annex 1), p. 2897, paragraph 8 | Safeguards protecting professional decisions and legal interpretation require explanation. |
| Different outcomes for certain persons or offences | Reasoned judgment of 4 June 2021 (Annex 1), pp. 415–418, 2764, 2769–2770 | A finding concerning another offence or case cannot automatically establish responsibility for every act. |

| Finding | Document and relevant page | Significance for defence rights |
|---|---|---|
| Both affirmances and reversals in 2024 | Court of Cassation, 3rd Criminal Chamber, decision of 21 March 2024, case no. 2022/40464, decision no. 2024/4329, published anonymised text, section V | The appellate treatment of each defendant's defence objections requires explanation. |
| Reporting, requesting, authorising and implementing measure no. 2011/1458 | Order of 21 April 2011 and related documents (Annex 7), pp. 5–11; findings record of 18 January 2016 (Annex 5) | Reliance on judicial orders and instructions must be assessed separately against each official's powers. |
| Judges authorising measures in the original investigation | Order of 21 April 2011 and related documents (Annex 7); confirmation order of 11 April 2011 and related documents (Annex 8); other orders (Annex 9); section 8.3 | Documents establishing judicial authorisation are important to the defence. |
| Emre objected to lack of usable document access | 19th-hearing expert transcript (Annex 6), pp. 9, 50; 20th-hearing minutes (Annex 4), p. 4 | A statement that material was delivered does not answer inability actually to examine it. |
| Emre attended court in person | 19th-hearing minutes (Annex 3), p. 8; 20th-hearing minutes (Annex 4), pp. 19–20 | Later attendance alone does not establish that earlier access and preparation impediments were remedied. |
| Seizure order concerning Soner Koç's assets | Reasoned judgment of 4 June 2021 (Annex 1), p. 2897, paragraph 7 | The legal consequences of interference with property and effective challenge safeguards are relevant. |
| Karapınar's membership case severed to another court | Reasoned judgment of 4 June 2021 (Annex 1), p. 2242 | A finding in separate proceedings cannot replace proof of individual conduct and intent here. |
| Report of fresh judgments in 2025 | Cumhuriyet (İHA), report of 26 June 2025 concerning fresh judgments against 15 defendants; section 10 | How earlier defence impediments were remedied in the retrial requires explanation. |
| Intervention in the presentation of intercepted conversations | Fifth-hearing SEGBİS expert transcript (Annex 10), pp. 70–72, 90–91 | Defendants must be able to explain the investigation's factual development to rebut false-accusation charges. |
| Law no. 6526 amendments relied on to allow reopening | Reasoned judgment of 4 June 2021 (Annex 1), p. 308; Law no. 6526, Official Gazette, 6 March 2014, no. 28933, supplementary issue | Legislative change and the original case's outcomes cannot establish intent to make false accusations. |
| Judgment states the knowledge requirement for false accusation | Reasoned judgment of 4 June 2021 (Annex 1), pp. 356–357, 1232–1234 | The defence of acting on fact-based suspicion requires an answer for each accusation. |

# 15. Sources and documentary annexes

Case documents are listed below by annex number. Each entry identifies the source and its page range in the Documentary Annexes. The appellate decision, news reports and legal authorities are listed separately.

## 15.1 Case documents and annexes

Annex 1 — İstanbul 23rd Assize Court, reasoned judgment of 4 June 2021, case no. 2016/62, judgment no. 2021/98. Documentary Annexes, pp. 6–44.

Annex 2 — İstanbul 23rd Assize Court, minutes of the 18th hearing, 9–16 November 2020. Documentary Annexes, pp. 45–53.

Annex 3 — İstanbul 23rd Assize Court, minutes of the 19th hearing, 1–10 February 2021. Documentary Annexes, pp. 54–63.

Annex 4 — İstanbul 23rd Assize Court, minutes of the 20th hearing, 17 May–4 June 2021. Documentary Annexes, pp. 64–71.

Annex 5 — Findings record of 18 January 2016, authorisation table and communications record of 2 June 2011. Documentary Annexes, pp. 72–75.

Annex 6 — İstanbul 23rd Assize Court, case no. 2016/62, expert transcript of the audiovisual recordings of the 19th hearing. Documentary Annexes, pp. 76–81.

Annex 7 — İstanbul 12th Assize Court, order no. 2011/1458 of 21 April 2011; request, report, transmission and prosecutorial instruction. Documentary Annexes, pp. 82–88.

Annex 8 — İstanbul 11th Assize Court, confirmation order no. 2010/860 of 11 April 2011 and related request. Documentary Annexes, pp. 89–90.

Annex 9 — Other investigative-measure orders in the original investigation. Documentary Annexes, pp. 91–103. Details of the orders follow.

1. Hadi Çağdır — Assize Court no. 14 • 24.01.2011 • 2011/37. Documentary Annexes, p. 91.

2. Yakup Hakan Günay — Assize Court no. 14 • 07.04.2011 • 2011/1054. Documentary Annexes, p. 92.

3. Resul Çakır — Assize Court no. 14 • 07.03.2011 • 2011/423. Documentary Annexes, p. 93.

4. Gökmen Demircan — Assize Court no. 13 • 30.03.2011 • 2011/928. Documentary Annexes, p. 94.

5. Dursun Ali Gündoğdu — Assize Court no. 13 • 22.02.2011 • 2011/519. Documentary Annexes, p. 95.

6. Mehmet Karababa — Assize Court no. 12 • 22.03.2011 • 2011/909. Documentary Annexes, p. 96.

7. Mehmet Erdoğan — Assize Court no. 12 • 15.02.2011 • 2011/545. Documentary Annexes, p. 97.

8. Birol Bilen — Assize Court no. 11 • 14.03.2011 • 2011/409. Documentary Annexes, p. 98.

9. Murat Üründü — Assize Court no. 10 • 18.01.2011 • 2011/52. Documentary Annexes, p. 99.

10. İbrahim Balık — Assize Court no. 10 • 01.03.2011 • 2011/551. Documentary Annexes, p. 100.

11. Tuncay Aslan — Assize Court no. 9 • 21.12.2010 • 2010/2423. Documentary Annexes, p. 101.

12. Mustafa Boz — Assize Court no. 9 • 07.02.2011 • 2011/27. Documentary Annexes, p. 102.

13. Nurullah Çınar — Assize Court no. 13 • 26.04.2011 • 2011/1261. Documentary Annexes, p. 103.

Annex 10 — İstanbul 23rd Assize Court, case no. 2016/62, SEGBİS expert transcript of the fifth hearing, 8–12 January 2018. Documentary Annexes, pp. 104–109.

Annex 11 — Court of Cassation, 5th Criminal Chamber, decision of 17 January 2014, case no. 2013/16791, decision no. 2014/516. Documentary Annexes, pp. 110–118.

## 15.2 Appellate decision and news sources

Court of Cassation, 3rd Criminal Chamber, case no. 2022/40464, decision no. 2024/4329, 21 March 2024. Anonymised text published on a legal website; introduction and section V.

https://aycanceylan.av.tr/yargitay-kararlari/3-ceza-dairesi-2022-40464-2024-4329

Anadolu Agency, 5 November 2021, report on the indictment of former judges and prosecutors.

https://www.aa.com.tr/tr/gundem/fetonun-futbolda-sike-kumpasinda-yer-alan-eski-hakim-ve-savcilar-hakkinda-iddianame-duzenlendi/2412769

Anadolu Agency, 26 October 2022, report on the start of proceedings against the relevant judges and prosecutors before the Court of Cassation.

https://www.aa.com.tr/tr/gundem/futbolda-sike-kumpasinda-yer-alan-hakim-ve-savcilarin-yargitayda-yargilanmasina-baslandi/2721396

Cumhuriyet (İHA), 26 June 2025, report on fresh judgments against 15 defendants at İstanbul 23rd Assize Court.

https://www.cumhuriyet.com.tr/turkiye/yeniden-gorulen-futbolda-sike-kumpasi-davasinda-karar-3-saniga-25-er-yil-hapis-2412915

Anadolu Agency, “Reasoned Judgment in the Football Match-Fixing Case (3)”, 28 October 2015; republished on SonDakika.com. Secondary source reporting different grounds for acquittal in the 2015 reasoning.

https://www.sondakika.com/guncel/haber-futbolda-sike-davasinin-gerekceli-karari-3-7824415/

## 15.3 Legislation and international legal authorities

Commission on Human Rights, resolution 1994/41, 4 March 1994, particularly paragraph 3.

https://www.refworld.org/legal/resolution/unchr/1994/en/8363

OHCHR, Special Procedures Thematic Mandates, entry for the Special Rapporteur on the independence of judges and lawyers.

https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM&lang=en

OHCHR, Special Procedures Submission Portal, criteria and procedural guidance for submitting information. Accessed: 13 November 2026.

https://spsubmission.ohchr.org/en

International Covenant on Civil and Political Rights, Article 14: independent and impartial tribunal, defence preparation, legal assistance and examination of witnesses.

https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

Human Rights Committee, General Comment No. 32, CCPR/C/GC/32, 23 August 2007, particularly paragraphs 19–21, 32–34 and 39.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?Lang=en&symbolno=CCPR%2FC%2FGC%2F32

Basic Principles on the Role of Lawyers, particularly principles 16 and 21.

https://www.ohchr.org/sites/default/files/Documents/Publications/Handouts/Handout4-4.pdf

Basic Principles on the Independence of the Judiciary, particularly principles 2, 4 and 14.

https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary

Guidelines on the Role of Prosecutors, particularly principles 4 and 13. See also OHCHR, Human Rights in the Administration of Justice, chapter 4.

https://www.ohchr.org/Documents/Publications/training9chapter4en.pdf

Human Rights Council, A/HRC/RES/56/3, 2024, particularly paragraphs 1, 4, 7–10 and 18.

https://mandates.un.org/mandate/A/HRC/RES/56/3

European Convention on Human Rights, particularly Articles 34 and 35: individual applications, domestic remedies, time limits and other international procedures.

https://www.echr.coe.int/documents/d/echr/convention_eng

European Court of Human Rights, Practical Guide on Admissibility Criteria, sections on “Substantially the same” and “Another procedure of international investigation or settlement”. The Court’s admissibility assessment depends on the procedure and subject matter concerned. See also Selahattin Demirtaş v. Turkey (no. 2), Grand Chamber, 22 December 2020, §§ 182–186; principles reproduced in the guide.

https://www.echr.coe.int/Documents/Admissibility_guide_ENG.pdf

Law no. 6526, adopted 21 February 2014, Official Gazette of 6 March 2014, no. 28933, supplementary issue; particularly Articles 12, 14 and 20. Turkish Grand National Assembly, Collection of Laws.

https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc098/kanuntbmmc098/kanuntbmmc09806526.pdf

# Abbreviations and terms

| Abbreviation or term | Explanation |
|---|---|
| ACM | Assize Court (Ağır Ceza Mahkemesi), a court trying serious criminal offences |
| ECtHR (AİHM) | European Court of Human Rights |
| ECHR (AİHS) | European Convention on Human Rights |
| BAM | Regional Court of Appeal |
| UN (BM) | United Nations |
| CAS | Court of Arbitration for Sport |
| CD | Criminal Chamber in case citations; compact disc in references to delivery of recordings |
| CMK | Code of Criminal Procedure |
| E. / K. | Case number / decision or judgment number |
| HSK | Council of Judges and Prosecutors |
| KDM | Lawful Interception Module |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| SEGBİS | Audio and Video Information System used in judicial proceedings |
| SRL Swiss | Security Studies and Rule of Law Association |
| TCK | Turkish Criminal Code |
| TFF | Turkish Football Federation |
| TİB | Telecommunications Communication Presidency |
| UYAP | National Judiciary Informatics System |
| Defence counsel (müdafi) | Lawyer defending a suspect or accused person in criminal proceedings |
| Interception transcript (tape) | Term used in the file for a written transcription of a communications recording |
| Prosecution closing opinion (mütalaa) | Prosecutor's final submissions on the merits and proposed disposition |
| Listed offence (katalog suç) | Offence on the statutory list permitting a measure such as interception or technical surveillance |
| Intent to make a false accusation (iftira kastı) | Purpose of securing investigation or sanction against a person while knowing that the person did not commit the act |