Policy Brief

The Tahşiye Trials

Liberty and the Right to a Fair Trial

Case and scope

Tahşiye is a religious group led by Mehmet Doğan. Following the January 2010 police operation, group members were prosecuted for organisation-related and weapons offences. From 2014, investigating officers and certain media professionals themselves faced proceedings alleging false accusation, fabrication of evidence and organisation-related offences. This brief concerns liberty and fair-trial safeguards in that second process.

1. Hearing records and effective defence

Official minutes and recording transcripts differ on counsel's attendance, notification of rights and whether a defence on the merits had been presented. These discrepancies affect scrutiny of participation and legal assistance. (Sections 4.2.1–4.2.3)

2. Three accounts of the ammunition

The 2017 and 2022 reasoning contains direct placement by police, placement under police supervision and placement through a group member. A coherent explanation must identify each defendant's act, knowledge and contribution. Destruction of the ammunition and unmet requests to hear those responsible also affect evidentiary challenge. (Section 6.2)

3. Digital attribution requires explanation

Institutional letters and defence objections raise distinct questions about telephone subscriptions, device capability and two ByLock accounts attributed to one defendant. Attributing data to a user and proving criminal intent are separate questions. (Sections 6.1–6.3)

4. Judicial independence and impartiality

Accusatory questioning and the response to a disqualification request are assessed alongside the detention of Metin Özçelik and Mustafa Başer and the executive appointments of Hasan Yılmaz and Akın Gürlek. The report identifies concern over political rewards and sanctions affecting judicial activity. (Section 4.1)

5. Detention: preserve the Karaca distinction

The ECtHR did not find a violation concerning reasonable suspicion at Karaca's initial detention, but found violations concerning subsequent detention decisions and other review safeguards. Those findings cannot be extended automatically to other defendants. (Sections 5.1–5.3)

6. Individual responsibility and appellate scope

Court-authorised duties do not excuse acts exceeding authorisation; nor do official position and signatures alone establish criminal intent. The 21 April 2025 affirmance with corrections concerns eight organisation-offence convictions, not the end of all proceedings. (Sections 4.4, 7 and 8.1)

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Priorities for action

Documentary basis and limits

The report draws on 42 annexes, including judgments, indictments, institutional correspondence, hearing records and defence applications. It distinguishes documentary findings, defence allegations and legal assessment. Existing minutes and transcripts were compared; original audio and video recordings were not retranscribed. The current procedural position of every defendant is not established.

Trial and appellate courts

Resolve minute–transcript discrepancies against original SEGBİS recordings; ensure defence access to underlying technical data and independent expertise where necessary; explain the three ammunition accounts and determine each defendant’s conduct and intent. Assess any continuing detention individually and consider less restrictive measures.

Council of Judges and Prosecutors (HSK)

Examine specific complaints about hearing conduct and record discrepancies through judicial ethics and disciplinary safeguards, without retaliation for judicial decisions. Strengthen objective appointment, promotion and transfer criteria and independent review.

Council of Europe

Rule 9.2 communications should address execution of Karaca and Başer and Özçelik. Examples from case no. 2020/90 E. are relevant only where concretely linked to the same structural problem; execution is not a new merits review. The Commissioner for Human Rights should consider the findings in country monitoring.

United Nations and OSCE/ODIHR

The UN Special Rapporteur on the independence of judges and lawyers should examine judicial safeguards and chilling effects. If proceedings remain pending, ODIHR monitoring or support for independent local monitoring should be assessed within its mandate, cooperation arrangements and access conditions.

Action priorities summarise sections 8.2–8.3. Application forms in Annexes 35–36 do not establish current registration, pendency or outcome; remedies and time limits require individual assessment.

Source: SRL Swiss, Liberty and the Right to a Fair Trial in the Tahşiye Cases, 31 October 2026. Section references below refer to the full report.

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