Neutral Citation Number: [2026] EWHC 2704 (BP)

Case Nos: BL-2021-000365 AND BL-2023-001171

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY DIVISION
BUSINESS LIST

Business and Property Division
7 Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 23 October 2026

Before:
MR JUSTICE ADAM JOHNSON

- -

Between:

NEBAHAT EVYAP İŞBILEN **Claimant**

- and -

SELMAN TURK & Ors
- and -
HANSON ASSET MANAGEMENT LIMITED **Defendants**

Simon Colton KC and Andrew Gurr (instructed by **Cooke, Young & Keidan LLP**) for **Mrs Nebahat Evyap İşbilen** (Claimant/Applicant)
Joshua Hitchens (instructed by **Janes Solicitors)** for **Mr Selman Turk (**Defendant in Claim No. BL-2021-000365**)**
Matthew Morrison KC and Zahler Bryan (instructed by **Brabners LLP**) for **Hanson Asset Management Limited (**Defendant in Claim No. BL-2023-001171**)**

Approved Judgment

This judgment was handed down in open court at 2pm on 23 October 2026 and by circulation to the parties or their representatives by e-mail and by release to the National Archives.

Approved Judgment
Mr Justice Adam Johnson

MR JUSTICE ADAM JOHNSON:

Introduction

1. By his present application Mr Turk, one of the Defendants in these proceedings, seeks permission to rely on a witness summary served in relation to Mr Andrew Mountbatten-Windsor, and to call Mr Mountbatten-Windsor at trial.

2. A witness summary must be served by a party who wishes to call a witness at trial, but who has been unable to obtain a witness statement from that witness (Civil Procedure Rules, r. 32.9(1)). It is intended to be a summary of the evidence, if known, which would otherwise have been included in a witness statement; or, if the evidence is not known, a summary of the matters the applicant wishes to question the witness about (r.32.9(2)).

3. A party is always required to seek permission to rely on a witness summary (under r. 32.9(1)(b)). There is guidance in the cases as to how the Court should exercise its power to give permission: this involves, in particular, asking the threshold question posed by r. 32.9(1)(b), namely whether it is correct that the applicant has in fact been "*unable*" to obtain a witness statement from the proposed witness.

4. If permission is given, then the witness summary must be served within the period for service of witness statements (r.32.9(4)). If that does not happen, then the witness may not be called unless the Court gives permission (r.32.10).

5. In this case, the required date for service of witness statements was 24 July 2026, some months ahead of the trial which is due to begin with a period of pre-reading by the Court in the week commencing 16 November 2026. Mr Turk did not seek permission to rely on his witness summary before then; and not having done so, he was not in a position to, and did not, serve it by the required deadline of 24 July 2026.

6. That being so, on the face of it, Mr Turk is debarred from relying on the witness summary by r.32.10. The prohibition imposed by r.32.10 is regarded as a form of sanction, and so a request for permission under that rule involves a party applying for relief from sanction.

7. It follows that two sets of issues arise:

   i) The first is whether the requirements of r. 32.9(1)(b) are met, such that the case is one in which reliance on a witness summary is appropriate in any event – this principally involves asking whether Mr Turk has been "*unable*" to obtain a witness statement from Mr Mountbatten-Windsor.

   ii) The second is whether Mr Turk should be entitled to relief from the sanction imposed by r.32.10 – this involves applying the three-stage test explained by the Court of Appeal in Denton v. TH White Limited [2014] EWCA Civ. 906, [2014] 1 W.L.R 3926, and thus the Court must consider (a) the seriousness or significance of the applicant's failure, (b) the reason for the failure, and finally (c) all the circumstances of the case, in order to deal with the application justly.

8. In the present case I have come to the view that I will grant relief from sanctions and grant the relevant permissions to Mr Turk under CPR, r. 32.9 and r.32.10. That is because, although he was in default in failing to serve his witness summary by 24 July 2026, and although there was no good reason for that, the evidence identified in the witness summary appears relevant to allegations of dishonesty made against Mr Turk by the Claimant Mrs Işbilen, and those allegations have potentially wider significance for the more general allegations of fraud Mrs Işbilen makes against Mr Turk. Despite his default, I consider it would be unfair and unjust to prevent Mr Turk at this stage from seeking to adduce that evidence.

Background

9. Some context is necessary.

Mrs İşbilen and Mr Turk

10. Mrs İşbilen is a Turkish citizen and a member of a prominent Turkish family that owns a group of companies called the "*Evyap Group*". In her pleadings, she alleges that she and her husband were victims of political persecution in Turkey by reason of their affiliation with the Gùlen movement. Her husband, Ilhan İşbilen, has been imprisoned in Turkey since December 2015.

11. Mr Turk is a Defendant in proceedings brought by Mrs İşbilen. He is a former adviser to Mrs İşbilen. The gist of her claim is that Mr Turk was entrusted with control of very substantial funds derived from her family's businesses in Turkey, totalling some US$90m, which he dealt with in breach of trust and in his own interest.

The £750,000 payment

12. A key part of the claim is that Mr Turk was dishonest. One of the allegations of dishonesty, made as part of Mrs İşbilen's pleaded case, is that Mr Turk misled her as to the purpose for which a payment of some £750,000 was made from one of her accounts (at Hampden Bank) to the then Duke of York on 15 November 2019.

13. The basic contest between the parties is this. Mrs İşbilen's pleaded case is that Mr Turk misled her into making the payment, by saying she needed to make a purported "*gift*" of £750,000 by way of payment for assistance the then Duke of York had provided in relation to Mrs İşbilen's Turkish passport. Mrs İşbilen alleges this representation was false, as Mr Turk well knew at the time; and consequently, he was dishonest in making it.

14. Mr Turk denies any dishonesty. His pleaded case is that Mrs İşbilen made her gift to the then Duke of York on her own initiative and for her own reasons, and not because of any representation by him. In his evidence Mr Turk has now expanded on this case. In summary, he alleges that by 15 November 2019, Mrs İşbilen had developed the perception that the Duke of York, through his connections in Turkey, might be able to assist her husband, in prison there. In order (as she saw it) to create goodwill with the Duke, she arranged to make the gift referred to. That was nothing to do with any assistance regarding her Turkish passport.

15. Those are the basic contours of the case. Underlying that basic picture, however, are a number of complexities.

The remaining allegation about the £750,000 payment

16. To begin with, it is clear that a payment of £750,000 was indeed made from Mrs İşbilen's account at Hampden Bank on 15 November 2019, to the personal account of the then Duke.

17. At the start of the present proceedings, the claim against Mr Turk included a claim for damages in the amount of £750,000. In March 2021, however, Mrs İşbilen's solicitors wrote to the Duke, as a result of which the funds were paid back.

18. Following return of the funds, the claim for damages was deleted; but the pleading that Mr Turk misled Mrs İşbilen as to the reason for the payment was (and is) maintained. It is an important part of her overall claim. In a witness statement served in November 2021, Mrs İşbilen's then solicitor Mr Tickner put the point as follows:

> "*Athough Mrs İşbilen makes no claim in relation to this transaction, this is an instance of Mr Turk acting dishonestly. Since Mr Turk's honesty is a central issue to, amongst other matters, the claims for fraudulent misrepresentation. An example of Mr Turk lying … goes to showing he has a propensity for dishonesty when it comes to the affairs of Mrs İşbilen*."

The parties' changing positions

19. At the hearing before me, each party was critical of the state of the other's evidence – each said that the other's account of the background to the £750,000 payment had changed.

20. As to Mrs İşbilen first of all, her pleaded case (see above) is that she was told a "*gift*" was needed because of assistance Mr Turk said the Duke had provided in relation to her Turkish passport. Mr Hitchens, counsel for Mr Turk, pointed out that Mrs Işbilen's witness statement for trial now says something different: "*Mr Turk told me that he received help in respect of my application for UK residency from Andrew Mountbatten-Windsor*."

21. Mr Turk has dealt with the background in a number of recent witness statements:

    i) In his witness statement dated 24 July 2026, served as his witness statement for trial, the account given (in outline) is that Mr Turk first came into contact with the Duke via the Pitch@Palace initiative in 2019. Mr Turk says his contact with the Duke led Mrs İşbilen to start to ask whether the Duke might be able to do something to help Mr İşbilen. That prompted Mrs İşbilen to suggest that she might make a gift to Princess Beatrice for her wedding. Mr Turk says he informed the Duke of Mrs Işbilen's desire, and that prompted a dinner at his (Mr Turk's) house in "*around early November 2019*", attended by Mr Turk, his father, his mother and grandmother, together with Mrs İşbilen, the Duke and the then Duchess of York (Sarah Ferguson). In his statement Mr Turk says there was discussion at the dinner about Mr İşbilen, and the Duke said he would think

about whether there was any way he might be able to help. According to Mr Turk, Mrs İşbilen mentioned her intention of making a "*small gift to Beatrice's wedding*". Mr Turk records the Duke saying, "… *that was very kind but unnecessary*." Mr Turk goes on to say that later that month (November 2019), he attended a Pitch@Palace event in order to pitch on behalf of a company he was associated with, Heyman AI.

ii) In a second witness statement of 22 September 2026, served in support of the present application and various other applications made at the recent Pre-Trial Review, Mr Turk gives a more detailed account. A very summary version is as follows. Mr Turk says he initially made contact with the Duke in August 2019 via a friend of his, a Mr Kaituni. That led to a meeting in Windsor. In October 2019, Mrs İşbilen began to question whether the Duke might do anything to help Mr İşbilen's situation. Mr Turk raised Mr Işbilen's situation with the then Duchess. This led to a meeting with both the Duke and Duchess at which Mr İşbilen was discussed, and the Duke said he would see what he could do to help. On 5 November 2019, Mr Turk attended a Pitch@Palace event in order to pitch on behalf of Heyman AI, and took Mrs İşbilen, who met the Duke and Duchess for the first time. There was then a dinner at Mr Turk's home on 10 November 2019, at which the Duke, Duchess, Mrs İşbilen and others were present (including Mr Turk's father). Mrs İşbilen indicated she was intending to make a small gift for Princess Beatrice's forthcoming wedding. The Duke offered certain information that he indicated he had obtained about Mr İşbilen, including as to the specific nature of the allegations against him. According to Mr Turk, he took Mrs İşbilen home in a taxi after the dinner, and during their discussion Mrs İşbilen, who was keen to motivate the Duke to help Mr İşbilen, emphasised her desire to "*gift something*." Mr Turk had a further meeting with the Duke the next day and explained Mrs Işbilen's desire, but the Duke said there was no expectation of any payment. Nonetheless, arrangements were made by Mr Turk and Mrs İşbilen provided her authorisation to her bankers on 14 November 2019. The payment was made on 15 November 2019. At a meeting with the Duke 4 or 5 days later, Mrs İşbilen called Mr Turk; Mr Turk says he passed his phone to the Duke who thanked Mrs İşbilen for her gift. Following that, Mr Turk says he had further meetings with the Duke at which they discussed Mr İşbilen's case.

iii) In his third witness statement, dated 25 September 2026, made in order to correct certain information in his second witness statement, Mr Turk maintains the same basic thrust of his evidence, but gives a different order of events. He says that having checked, he has been able to verify that the dinner attended by the Duke and Duchess took place not on 10 November 2019, as he thought, but instead on 4 December 2019. He states that there *was* an earlier dinner with Mrs İşbilen on 10 November, and that his conversation in a taxi with Mrs İşbilen took place after that dinner; and there was then a later dinner attended by the Duke and Duchess of York, on 4 December.

Contempt proceedings against Mr Turk/Alleged loan for Swiss chalet

22. There is a further aspect to draw out. There is another payment said by Mr Turk to have been made for the benefit of the then Duke of York, about which Mr Turk and Mrs İşbilen are in disagreement. Mrs İşbilen again accuses Mr Turk of lying about it.

23. The payment in question was considered in a Judgment of Sir Anthony Mann, in contempt proceedings against Mr Turk, dated 5 March 2024 ([2024] EWHC 505 (Ch)), specifically at [154]-[155]. The payment was for an amount of £768,743, made from one of Mrs İşbilen's accounts on 31 January 2020. Payment was made to an account at NatWest in the name of a company called Alphabet Capital Ltd.

24. Two allegations were made against Mr Turk at the contempt trial. The first, general allegation (referenced in the Judgment at [152]) was that the Alphabet account was being used as a front, and was in fact a vehicle for getting money to the then Duke and/or Duchess – and more specifically, was being used as part of " … *an overall scheme of Mr Turk to use Mrs İşbilen's money to pay the Duke of York.*" Sir Anthony Mann rejected that allegation on the evidence before him. At the end of [152], however, he said:

> "*That may well become more apparent at a trial, but it is not sufficiently apparent on this application with its more limited evidence and its high standard of proof.*"

25. The second, more specific allegation against Mr Turk was that, since the £768,743 was undoubtedly a payment of Mrs İşbilen's monies, Mr Turk had been bound to identify it and give an explanation for it under disclosure provisions in an Order made by Miles J in March 2021. Sir Anthony Mann found that this allegation of contempt was made out. No disclosure in relation to the payment had been made by Mr Turk. To compound the problem, when asked about the payment in cross-examination, Mr Turk had said he could not recall its purpose. Sir Anthony did not believe this evidence, and at [155] of his Judgment found beyond reasonable doubt "… *that Mr Turk knows and knew what that payment was for and has decided to pretend he has forgotten.*"

26. Faced with this (and other) findings of contempt, Mr Turk appealed. In support of his appeal, and by way of attempting to purge his contempt, he filed a witness statement in the appeal proceedings, in which he gave an explanation of the purpose of the payment – i.e., the explanation Sir Anthony Mann had criticised him for withholding. At [26] of that statement, he said:

> "*A payment of US$1,012,615.22/£768,743.00 … was made on 31 January 2020 from Mrs Işbilen's USD Swiss Global account to Alphabet. The payment was a loan to the Duke for the purchase of a chalet in Switzerland. I spoke to the Duke during a visit to Buckingham Palace in around late November 2019 when I was with Tarek Kaituni. The Duke told me how much money he needed to borrow and I then passed this on to [Mrs Işbilen], two or three days later, who then agreed to give him a 2-year loan for this amount … [Her] main motivation was that she hoped high-up connections in the UK would eventually lead to political pressure being applied on Turkey to help her*

> *husband. I paid it to Alphabet and assumed Alphabet would pay it on to the Duke because he had told me to pay the loan to the Alphabet account*."

27. This explanation is contested by Mrs İşbilen. In her witness statement for trial, Mrs İşbilen has denied that she ever authorised any loan to the Duke. She states that Mr Turk's account is "*not true*." Dealing with two payments made to Alphabet, including the one referenced above, she says: "*I did not know about, or authorise, either of the payments to ACL [Alphabet]. The only payment I was aware of to Andrew Mountbatten-Windsor is the £750,000 discussed at paragraph 134 above [i.e., the payment referenced earlier in this judgment]*."

28. In his evidence for trial, however, Mr Turk has maintained his position: his explanation for the payment therefore remains that it was authorised by Mrs İşbilen as an intended loan to the then Duke to fund purchase of a ski chalet in Switzerland.

29. The upshot is that the background to this further payment remains an issue between the parties, and will no doubt form part of the forthcoming trial.

30. One final point under this heading. It is apparent from Sir Anthony Mann's Judgment that, prior to the contempt trial, Mrs İşbilen had made a claim against the Duke and Duchess in respect of certain of her monies which she claimed had found their way into their hands. The claim was compromised by means of a confidential settlement agreement. That was not disclosed to the Court (see Sir Anthony's Judgment at [133]), and was not produced at the hearing before me; but one part of the agreement was an "*Agreed Statement of Facts*", which was shown to Sir Anthony and was relied on by Mrs İşbilen. I was also shown it on the present application. Mr Colton KC, counsel for Mrs İşbilen, emphasised para. 4(c), which states: "*None of the Recipients ever communicated with Mrs İşbilen directly. All of the Recipients dealt (so far as relevant) only with Mr Turk*." (The defined term "*Recipients*" includes Mr Mountbatten-Windsor.) Sir Anthony was somewhat reserved about this document, however. At [136] of his Judgment, he said, "… *it must be treated with caution on this application where its genesis has not been fully probed*."

The Witness Summary – justification and adequacy

31. Although there is some overlap with the question of relief from sanction, I think it useful first to consider the requirements of r.32.9.

32. The principal matter of debate between Mr Hitchens (counsel for Mr Turk) and Mr Colton KC (counsel for Mrs Işbilen) was whether Mr Turk had properly shown that he was "*unable*" to obtain a witness statement from Mr Mountbatten-Windsor. Mr Hitchens said on instructions at the hearing that Mr Turk had attempted to contact Mr Mountbatten-Windsor, with a view to asking him for a statement, and had received no response; but there was no evidence to that effect, and no particulars were given. Mr Colton KC said this was inadequate.

33. In Morley v. Royal Bank of Scotland plc [2019] EWHC 2865 (Ch), Kerr J faced a similar problem. The Claimant made a late application to serve witness summaries in relation to two witnesses who were former employees of the Defendant, and who had not been asked to provide statements. At [107], Kerr J said that ordinarily, showing an inability to obtain a witness statement will require the applicant to have made a request and to have received a refusal. However, that is not a threshold requirement. The rule does not refer to a "*refusal*" as a precondition (see at [109]). The matter is one of assessment for the Court, and although a degree of rigour was certainly called for, so was "*[a] degree of reality*" (see at [108]). Applying ordinary principles of causation, Kerr J said that a person should be treated as "*unable to obtain*" a witness statement if the Court is satisfied on the balance of probabilities that *had* a request been made, it would have been turned down (see at [110]). On the facts, the test was made out: it was a reasonable inference that, if asked, the Defendant's former employees *would* have declined to provide assistance to the Claimant.

34. I am satisfied that the same logic applies here, although the context is different. I will assume (given the lack of evidence on the point) that no or no serious attempt was made by Mr Turk to make contact with Mr Mountbatten-Windsor. All the same, even on that assumption, I am content to find on the balance of probabilities that had he been asked, Mr Mountbatten-Windsor would have declined to provide a witness statement. I think that follows from the background explained above. It is highly unlikely that a person in the position of Mr Mountbatten-Windsor would wish voluntarily to provide a witness statement and give evidence at a trial in public proceedings involving payments made by the wife of a person said to be a political prisoner in Turkey, in connection with a dispute about the reason the payments were made. In his submissions, Mr Hitchens said the point was obvious. I respectfully agree.

35. The authorities on r.32.9 (as summarised in the White Book at para. 32.9.1) also invite attention to these further points: (i) the extent to which the evidence sought is relevant; (ii) whether granting permission is compatible with the overriding objective to deal with cases justly and at proportionate cost; and (iii) the adequacy of the witness summary content.

36. Points (i) and (ii) are best dealt with below, in the section on relief from sanction. Point (iii) though deserves brief comment here.

37. The Witness Summary is in two Parts: A and B. Part A is headed, "*The known evidence which would be included in a witness statement.*"

38. The evidence referenced in Part A may be summarised as follows: evidence from the Duke that Mrs İşbilen can speak English; evidence that Mr Turk discussed the issue of Mr İşbilen's imprisonment with the then Duke at various points from October 2019 onwards; evidence that the then Duke attended a dinner at which Mr İşbilen's situation was discussed; evidence that discussions about Mr İşbilen continued after the dinner; evidence that the Duke thanked Mrs Işbilen on the telephone for the gift she had made (i.e., the £750,000 paid on 15 November 2019); evidence that there was a discussion with the then Duke about a loan from Mrs İşbilen to be used in connection with a Swiss chalet; evidence that Mr Mountbatten-Windsor was aware from Mr Turk that Mrs İşbilen was extremely eager to make both the gift and the loan.

39. Part B is headed, "*Summary of the matters about which Mr Turk proposes to question Mr Mountbatten-Windsor*." The areas are (1) what the then Duke in fact did to obtain information about or to assist Mr İşbilen in Turkey; and (2) his "*knowledge or belief as to Mrs İşbilen's expectations, involvement and control over the transactions referenced above*."

40. The question of adequacy has to be assessed by reference to the requirements of r.32.9(2). Thus, the relevant issues are: does the witness summary either (i) summarise the evidence which, if known, would have appeared in a witness statement, and/or (ii) identify the matters about which the party serving the summary wishes to question the witness? The context is ensuring fairness to the other parties to the litigation: here, most importantly, Mrs İşbilen. Is she being given fair warning of the evidence Mr Turk wishes to call?

41. In my assessment the witness summary is adequate by reference to this yardstick. In its present form, it mistakenly refers to the dinner with the Duke taking place on 10 November 2019 rather than on 4 December – that will need to be corrected. Otherwise, nothing in it should be a surprise to Mrs İşbilen and her legal team. It has long been Mr Turk's case that the £750,000 gift was paid by Mrs Işbilen of her own accord, in order to provide encouragement to what (on Mr Turk's case) was Mrs Işbilen's expectation that the Duke might be able to assist her husband in Turkey. Likewise, it has long been Mr Turk's position that what he characterises as the loan from Mrs İşbilen made in late January 2020, which Mrs İşbilen denies authorising, was inspired by the same basic interest. The witness summary in my view gives fair notice that Mr Turk wishes to call evidence from the Duke that (broadly) he was aware of Mr İşbilen's position and had indicated an interest in helping if he could; and that Mr İşbilen's position formed part of the background to the payments which (on Mr Turk's case) Mrs İşbilen was very eager to make.

CPR, r. 32.10 and the Denton factors

42. I next turn to the question of relief from sanction. This will obviously include the general matters referenced at [36] above, which would ordinarily fall to be considered on an application under r.32.9 – i.e., the relevance of the evidence and compatibility with the overriding objective.

Denton stage 1

43. The first stage is to identify and assess the seriousness and significance of the failure to comply with the relevant rule, practice direction or Court order.

44. This is straightforward. The relevant rule is CPR, r.32.9(4), which requires service of a witness summary within the period for service of witness statements. That was not done here. The date for witness statements was 24 July 2026 and the witness summary was only provided on 22 September. The default engages the need to apply for relief from sanctions, because in a case where a witness summary is not served in time, r. 32.10 imposes a sanction: the witness may not be called, unless the Court gives permission.

45. In my judgment, the default here was both serious and significant. The delay of almost two months, in a major case in which an 11 week trial is due to begin in mid-November, is both material in duration, but also significant procedurally, because it has meant that this important matter – rather than being dealt with in an orderly way well before the end of July – has instead had to be the subject of argument and determination at the recent Pre-Trial Review. The default is therefore significant in terms of its impact, because it has affected the process of orderly trial preparation both for the other parties and the Court.

Denton Stage 2

46. The second stage of the Denton test involves asking why the default occurred.

47. In his submissions on this point, Mr Hitchens relied on Mr Turk's personal situation. One aspect of this is that he has a diagnosis of ADHD. Another aspect is that he is subject to freezing and proprietary injunctions granted at the start of these proceedings, and his evidence is that he is presently unemployed and impecunious. For much of the present proceedings he has been a litigant in person, although he has had some limited help from direct access counsel. On 18 August 2026, however, he secured representation: with funds made available by his parents, he has been able to instruct a firm of solicitors (Janes Solicitors LLP) who are to have a limited role in preparing for trial and managing administrative matters, and junior counsel (Mr Hitchens) who will represent Mr Turk at the trial. Given all this, Mr Hitchens argued that there were good reasons for Mr Turk's default and the Court should find accordingly.

48. On the other side of the debate, Mr Colton KC (counsel for Mrs İşbilen) said there was no good reason: in fact, Mr Turk's evidence was unclear as to precisely why he had failed to file a witness summary by the witness statement deadline, and the real reason might be that Mr Turk had made a conscious decision that he did not wish to call evidence from Mr Mountbatten-Windsor, and he should not now be permitted to resile from that position.

49. In the judgment of the majority in Denton (see at [30]), Lord Dyson MR and Vos LJ said it would be inappropriate to produce an encyclopaedia of good and bad reasons for a failure to comply with rule. The wisdom of that statement is well illustrated by this case, where to my mind the evidence shows no good reason for Mr Turk's default; but at the same time, the reasons are not wholly bad.

50. To begin with, I do not accept Mr Colton's submission that it is safe to infer that Mr Turk must have made a conscious choice not to seek to call Mr Mountbatten-Windsor to give evidence at trial and is now seeking to change his mind. That is speculation, and I think inherently improbable. It is much more likely that Mr Turk was either unaware of the option of serving a witness summary or did not appreciate the significance of trying to call other witnesses to support his case.

51. Even so, such lack of awareness or appreciation does not to my mind provide a good reason, even taking account of Mr Turk's ADHD diagnosis or impecuniosity. A litigant in person is expected to play by the same rules as any other litigant, and should be expected to educate himself about what the rules are. Mr Turk is plainly an intelligent man (Sir Anthony Mann thought the same – in his judgment in the contempt proceedings he said at [155]: "*He is an expert banker, who accepted responsibilities for*

managing Mrs İşbilen*'s assets* …"). Mr Turk served a detailed witness statement of his own by the witness statement deadline. He had assistance from counsel in doing so, but the level of detail in the statement shows a person able to deal with matters of some complexity. The business of preparing and serving a witness summary is not an inherently complex one (the summary now relied on is only two pages long) and in my assessment was within Mr Turk's capabilities.

52. In short, I am not persuaded that the matters relied on by Mr Hitchens provide a *good* reason for Mr Turk's default: Mr Turk could have done more to help himself. They do, however, provide an explanation and some context, which in my view are relevant at the next stage of the analysis.

Denton Stage 3

53. The final stage of the Denton test requires the Court to consider all the circumstances of the case, so as to deal justly with the application. In doing so, the Court must give "*particular weight*" to the conclusions derived from stages 1 and 2 (see Denton at [32]).

54. An obvious starting point is that the matters referenced in the witness summary are obviously relevant to the trial. Mr Hitchens argued that they are significant and material – in particular the evidence going to the reasons for the £750,000 gift, which is a pleaded issue and expressly relied on as an example of dishonesty by Mr Turk, having wider implications for his credibility and the likelihood of his propensity to make misleading statements to Mrs İşbilen about her assets.

55. I agree with these submissions. Mr Turk's honesty is a central feature of the case against him. The evidence sought by means of the witness summary is plainly relevant because, if given as Mr Turk proposes, it will serve to corroborate his account that Mrs İşbilen authorised both the gift and what he says was the later loan because of the Duke's interest in the position of her husband in Turkey.

56. In resisting the application Mr Colton KC made a number of points aimed at marginalising the significance of the evidence Mr Mountbatten-Windsor might be able to give.

57. To start with, Mr Colton KC argued that the real nub of the parties' dispute about the £750,000 gift was that Mr Turk had made misleading statements to Mrs İşbilen about its purpose. Mr Colton KC said that Mr Mountbatten-Windsor could not be expected to give evidence about what representations Mr Turk might or might not have made to Mrs İşbilen in discussions between the two of them. That is correct, but in my opinion ignores the wider context and the nature of Mr Turk's case on this point. Mr Turk's case is that the then Duke had taken an interest in the position of Mr İşbilen, and that that backdrop provided the motivation which led Mrs İşbilen to authorise both the gift and the loan. The evidence Mr Turk says he wishes to call goes to that question. If given in the form Mr Turk has identified in his summary, it will corroborate his account of the reasons for the two payments. Its value does not depend on Mr Mountbatten-Windsor having knowledge of private communications between Mr Turk and Mrs İşbilen.

58. Mr Colton KC then made a series of points about the credibility of Mr Turk's account. He pointed to the shifting nature of Mr Turk's evidence, in particular in connection with the £750,000 gift. As one can see from the summary set out at 21 above, Mr Turk's initial account in his trial witness statement of 24 July 2026 was that the Duke attended a dinner with Mrs İşbilen in early November 2019, following which the payment was made, and then later that month Mr Turk attended a Pitch@Palace event in order to pitch on behalf of Heyman AI. His witness statement of 22 September 2026 reverses the order of events slightly, in that it refers to the Pitch@Palace event taking place on 5 November 2019, before the dinner on 10 November; however the dinner still takes place before the payment is made on 15 November. Mr Turk's later statement of 25 September 2026 corrects that position, however, and the account now given is that the dinner attended by the Duke was on 4 December 2019 – which Mr Colton KC said was significant, because that was *after* the payment was made on 15 November, and in Mr Turk's earlier account, the events at the dinner were the prompt (discussed by Mr Turk and Mrs İşbilen in the taxi on the way home) for the payment being made. Mr Colton KC also referred in this context to the terms of the Agreed Statement of facts, relied on before Sir Anthony Mann, and specifically on the statement that, "*[n]one of the Recipients ever communicated with Mrs İşbilen directly. All of the Recipients dealt (so far as relevant) only with Mr Turk.*"

59. Specifically in relation to the alleged Swiss chalet loan, Mr Colton KC said that Sir Anthony Mann in the contempt Judgment had rejected the notion that the Alphabet Capital account was being used as a vehicle for channelling monies to the Duke and Duchess of York. He also pointed to the bank statements for Alphabet which show the £768,743 received on 31 January 2020 being distributed to a number of recipients, but only £50,000 being paid on 3 February to the then Duchess of York. This distribution pattern is inconsistent with the idea that the £768,743 was for use in connection with a Swiss chalet by the then Duke.

60. My reaction is that these may all be useful points to consider further at trial, but none of them persuades me that the evidence Mr Turk says he wishes to call is likely to be irrelevant, or is of such marginal significance to his case that the Court should at this stage foreclose any possibility of his seeking to rely on it. The process of evaluating Mr Turk's credibility is one for trial, against all the evidence properly then available; it cannot safely be undertaken at this stage, as part of the process of determining what evidence he should be entitled to try and call. That is putting things the wrong way round. That is the in principle answer to Mr Colton KC's submissions. In any event, turning to the specifics:

    i) As regards Mr Turk's changing story, it is not unusual for recollections to change. It can happen for different reasons, some good (e.g. the frailty of human memory), and some bad (e.g. a desire to massage evidence in a way which supports a particular outcome). Mrs İşbilen's story likewise has changed (see above at 20). The timing Mr Turk now advances, with the dinner taking place only *after* the 15 November 2019 payment, is certainly different to his previous account; but all the same is not obviously inconsistent with his basic story that before 15 November, Mrs İşbilen had become excited at the idea of the Duke lending assistance to Mr İşbilen and wished to encourage him to do so.

ii) As to the statement in the Agreed Statement of Facts ("*[n]one of the Recipients ever communicated with Mrs İşbilen directly. All of the Recipients dealt (so far as relevant) only with Mr Turk.*"), this is rather too compressed to give assurance that the dinner Mr Turk relies on did not take place, and in any event Mr Turk has produced cogent evidence that it did, including a statement from his father, Dr Suleyman Turk, who says he was there. In any event, whatever exchanges the then Duke may have had with Mrs İşbilen directly, the Agreed Statement of Facts does not deny contact with Mr Turk, and the evidence Mr Turk seeks to adduce includes evidence about those exchanges.

iii) As to the matter of the Swiss chalet, it is true that Sir Anthony Mann was not persuaded beyond a reasonable doubt, in dealing with the contempt application, that Alphabet Capital was being used as a conduit for the payment of Mrs İşbilen's funds to the Duke of York. But in the same passage in his Judgment, in discussing the Alphabet account, he said "*[s]omething odd was going on here*"; and as noted above, he thought matters might well be explored further at the trial of the underlying claim, on the basis of different evidence and applying a different standard of proof. At the time, Sir Anthony did not have any account from Mr Turk as to what the payment to the Alphabet account was for; that is clear from the fact that the contempt found against Mr Turk was that he had not disclosed it in response to Miles J's Order, and had then lied at trial by saying could not remember why it had been paid.

61. Having dealt with the question of relevance, I can return to the overall justice of Mr Turk's application. In my assessment, the just course is to accede to the application, to grant relief from sanctions, and to permit Mr Turk to rely on his witness summary. That is for the following reasons:

i) I regard Mr Turk's default as serious and significant, and have found there was no good reason for it. All the same, I am required to consider all the circumstances of the case, and those circumstances include the fact that Mr Turk did not have the benefit of legal representation for trial at the time when witness statements fell to be served (and any witness summaries provided). It is a relevant fact that his legal team, now engaged, have formed a considered view as to the range of evidence needed to present his case effectively. It is also a relevant fact that they have moved to do so quickly.

ii) A factor of overarching importance is the likely significance at trial of the matters Mr Turk seeks to call evidence about. The question of the £750,000 gift, in particular, has a central significance because as Mrs İşbilen herself has indicated, it is relied on as an example of the sort of dishonesty which infused many of Mr Turk's dealings with her assets. It remains a pleaded issue, and will fall to be resolved at the trial. The question of the alleged loan has a similar character, because Mrs İşbilen's case is that Mr Turk's account is untrue.

iii) Given the seriousness of the allegations, both on their own terms and in light of their wider impact, fairness requires that Mr Turk should be afforded an opportunity of putting forward his own case, using the evidence he considers relevant and material. It is certainly true that more could and should have been done earlier to identify the full range of that evidence, but the fact is that the

evidence from Mr Mountbatten-Windsor now identified in Mr Turk's witness summary is limited in scope, and ought to be able to be accommodated without serious difficulty in what is a reasonably generous 11-week trial timetable. No-one suggested that it would cause unmanageable disruption.

iv) It was not part of Mrs İşbilen's submissions that anything in the witness summary came as a surprise, or that her own legal team would somehow be prejudiced by having to deal with the resultant issues at the trial. That is understandable. The issues have long been known and only arise because Mrs İşbilen is the one advancing a case of dishonesty against Mr Turk. Thus, the balance of fairness operates the other way around. It would be unfair to Mr Turk for Mrs İşbilen to be allowed to advance her case of dishonesty against him, without allowing him the chance to put forward relevant evidence of his own to rebut it.

Conclusion

62. I will grant relief from sanction and grant the relevant permissions to Mr Turk under CPR, r. 32.9 and r.32.10. I should make it clear that the effect is only to give Mr Turk permission to seek to call evidence from Mr Mountbatten-Windsor. In practice this will likely involve him issuing a witness summons under CPR. R. 34.3, which can be done without further permission of the Court provided the summons is issued more than 7 days before the start of trial (r.34.3). A witness served with a witness summons may apply to have it set aside or varied (r.34.3(4)).