



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF ONAT AND OTHERS v. TÜRKİYE

*(Applications no. 61590/19 and six others –
see appended list)*

JUDGMENT

Art 6 § 1 (civil) • Fair hearing • Inadequate judicial review of the dismissal of labourers, after declaration of a state of emergency, employed by private companies subcontracted by various municipal authorities, on the basis of their presumed links with illegal structures • Relevant legislative decree placed no restrictions on judicial review conducted by the domestic courts following the dismissal of individuals • Domestic courts' failure to assess the content and relevance of ongoing or completed criminal proceedings against the applicants in the context of their dismissals
Art 6 § 2 • Presumption of innocence not breached by the labour courts' decision that the existence of ongoing or completed criminal proceedings against the applicants could constitute valid grounds to terminate their employment on the basis of such presumed links

Prepared by the Registry. Does not bind the Court.

STRASBOURG

25 March 2025

FINAL

25/06/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Onat and Others v. Türkiye,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Arnfinn Bårdsen, *President*,

Saadet Yüksel,

Jovan Ilievski,

Péter Paczolay,

Gediminas Sagatys,

Stéphane Pisani,

Juha Lavapuro, *judges*,

and Hasan Bakırcı, *Section Registrar*,

Having regard to:

the applications (nos. 61590/19; 23504/20; 23505/20; 23786/20; 25016/20; 26550/20 and 29728/20) against the Republic of Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by seven Turkish nationals (“the applicants”), on the various dates indicated in the appended table;

the decision to give notice to the Turkish Government (“the Government”) of the complaints concerning Article 6 §§ 1 and 2 in respect of all applicants and Article 8 in respect of all applicants except for the applicant in application no. 26650/20 and to declare inadmissible the remainder of the applications;

the parties’ observations;

Having deliberated in private on 4 March 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the applicants’ dismissal, following the declaration of a state of emergency, from their employment as labourers by different private companies subcontracted by various municipal authorities in the south-east of Türkiye, as well as the subsequent judicial review of their dismissals by the labour courts. The applicants all complained of a violation of Article 6 §§ 1 and 2 – and with the exception of the sixth applicant – of Article 8 of the Convention.

THE FACTS

2. A list of the applicants is set out in Appendix I.

3. The Government were represented by their Agent at the time, Mr Hacı Ali Açıkgül, former Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye.

4. The facts of the case, as submitted by the parties and as they appear from the documents submitted by them, may be summarised as follows.

I. BACKGROUND INFORMATION

A. Events of 2015 in south-east Türkiye

5. The Government considered that the escalation in fighting between Turkish security forces and armed terrorist groups starting from the summer of 2015, known as the “ditch incidents” (*hendek olayları*), was relevant to the overall context in the present case. Following a period of relative calm – owing to the peace process initiated in late 2012 to find a lasting, peaceful solution to the “Kurdish question” – the security situation in south-east Türkiye deteriorated in the summer of 2015 on account of the intensification of hostilities by illegal armed groups affiliated with the PKK (Workers’ Party of Kurdistan). In addition to carrying out armed attacks, those armed groups resorted to other ways of disturbing social life and public order in the region, such as digging trenches, some of which were planted with explosives, and blocking roads with barricades in certain neighbourhoods (see *Elçi v. Turkey* (dec.), no. 63129/15, § 4, 29 January 2015, and *Selahattin Demirtaş v. Turkey* (no. 2) [GC], no. 14305/17, §§ 28-41, 22 December 2020). According to the Government, the PKK had infiltrated municipalities and, through elected mayors, had used their logistical and financial resources for its illegal activities. By way of example, the Government noted that relatives of deceased PKK members had been employed in such municipalities; that municipal youth and women’s centres had been used to find recruits; that municipal funds had been used to finance the PKK; and that municipal service vehicles had been used in bomb attacks and for other logistical needs of the illegal organisation.

B. *Coup d’état* attempt of 15 July 2016

6. The *coup d’état* attempt of 15 July 2016 and the declaration of a state of emergency is summarised in *Yüksel Yalçınkaya v. Türkiye* ([GC], no. 15669/20, §§ 10-17, 26 September 2023). The state of emergency remained in force from 21 July 2016 to 18 July 2018.

7. During the state of emergency, the Council of Ministers passed several legislative decrees. One of those decrees, Legislative Decree no. 667 (see *Pişkin v. Turkey*, no. 33399/18, § 33, 15 December 2020), published in the Official Gazette on 23 July 2016, required all bodies answerable to a ministry to dismiss any staff considered to belong to or be affiliated or linked to (*üyeliği, mensubiyeti, iltisakı veya irtibatı*) terrorist organisations or to organisations, structures or groups which the National Security Council had found to be involved in activities prejudicial to the State’s national security.

II. THE APPLICANTS' DISMISSAL AND THE REINSTATEMENT PROCEEDINGS IN THE DOMESTIC COURTS

8. After the entry into force of Legislative Decree no. 667 on 23 July 2016, public entities conducted security assessments on the basis of which they requested private subcontractor companies to dismiss employees whom they considered to be members of, or affiliated or linked to, a terrorist organisation.

9. As a result, on various dates indicated in Appendix II, the private subcontractor companies that employed the applicants served notice on them, dismissing them from their jobs with immediate effect.

10. The applicants brought proceedings in the labour courts seeking their reinstatement. They argued that their dismissal had not been based on valid grounds within the meaning of the Labour Code (Law no. 4857) and that the procedural provisions set out in the Code had not been observed. They therefore demanded their reinstatement and compensation equivalent to four months' wages. They added that should their employers decide not to reinstate them, they should be paid compensation equivalent to eight months' wages.

11. During the proceedings, the labour courts requested documents from the private subcontractors and the municipal employers in question regarding the termination of the applicants' contracts, and conducted an investigation of its own motion through the National Judicial Network Project (UYAP) by requesting information from the relevant public institutions as to whether there had been a criminal investigation and prosecution that could have justified the applicants' dismissal. The labour courts dismissed the cases on the dates indicated in Appendix II on the basis of the information gathered. Only in the case of the applicant Doham Onat (application no. 61590/19) did the labour court hear witnesses, who testified that they had not seen the applicant engage in any terrorist propaganda; however, no separate assessment of their testimony was made by the labour court in question.

12. The common elements that run through the reasoning of the labour courts may be summarised in the following manner. Firstly, the labour courts considered that the subject matter of the dispute was governed by Law no. 4857, but that the provisions of Legislative Decree no. 667, which provided for the immediate dismissal of employees considered to belong to or be affiliated or linked to illegal structures, constituted valid grounds for the termination of the labour relationship, in particular on the basis of "suspicion". The courts considered in that connection that the measures provided for by the Legislative Decree in question were required by the state of emergency and were aimed at eliminating the presence of terrorist structures in public institutions, mainly the FETÖ/PDY ("Fetullahist Terror Organisation/Parallel State Structure") but also the PKK, Daesh, DHKP/C (People's Revolutionary Liberation Party/Front) and any other organisation posing a threat to national security. For that reason, Legislative Decree

no. 667 did not limit the termination of an employment contract to those who had been convicted of the criminal offence of “membership of a terrorist organisation” but it was also sufficient for the connection to entail being affiliated to or in contact with such illegal structures. The labour courts also considered that such affiliation or connection did not have to be proved (*subüta etmek*) and that it was sufficient for an employer to arrive at such a conclusion. According to the labour courts, employers were free to arrive at that conclusion without there being an assessment of whether the employee in question had committed an offence.

13. Concerning the individual assessments of the applicants’ dismissals and whether there were objective grounds giving rise to a suspicion that they belonged to or were affiliated or associated with terrorist organisations or structures, the labour courts concluded the following.

14. In the proceedings brought by Doham Onat (application no. 61590/19), the labour court noted that he had been detained and arrested in 2003 in connection with carrying out activities on behalf of an illegal organisation and that he had been released without charge. In 2010 he had been investigated for using threats to discourage the public from voting but no charges had been brought against him for lack of evidence. Lastly, the labour court noted that he had been taken into police custody for allegedly chanting slogans in support of the leader of the PKK but that he had been released by the public prosecutor.

15. In the proceedings brought by Muhittin Duymak (application no. 23504/20), the labour court noted that, at the time, he was being tried by a criminal court on the charge of being a member of an armed terrorist organisation, and that it had been reasonable for his employer to dismiss him on account of a suspicion of contact or affiliation with a terrorist organisation. The labour court did not state the date and nature of those criminal proceedings against the applicant in its decision. The Government submitted that the applicant had been charged with the offence of membership of such an organisation on 10 January 2012 and that the Malatya Criminal Assize Court had convicted him of that offence and sentenced him to six years and ten months’ imprisonment. At the time of their observations, they noted that his conviction was not yet final. The Government also submitted that on 31 May 2016 an investigation had been initiated in respect of the applicant in connection with alleged membership of an armed organisation but on 23 January 2018 the public prosecutor in charge of that investigation had decided not to prosecute him.

16. In the proceedings brought by Zülküf Özoğul (application no. 23505/20), it appears from the decision of the labour court in question that it considered his dismissal on the basis of Legislative Decree no. 667 to have been justified because he had been charged with the offence of disseminating propaganda in favour of a terrorist organisation in the context

of an investigation in 2012, and that on 8 July 2012 the criminal court had decided to suspend his prosecution subject to a probation period.

17. In the proceedings brought by Kenan Yıldırım (application no. 23786/20), the labour court noted, without providing details of dates, that he had been acquitted by a criminal court because he had not committed the acts which had formed the basis of the charge of membership of an armed organisation. The Regional Labour Court upheld that finding and noted that that fact constituted valid grounds within the meaning of the Labour Code and Legislative Decree no. 667. In their observations, the Government noted that the applicant had been acquitted on 14 April 2018 in proceedings based on an indictment dated 7 November 2017.

18. In the proceedings brought by Abdullah Bilen (application no. 25016/20), the labour court noted that he was being tried by a criminal court for disseminating propaganda in favour of a criminal organisation. According to the labour court, the fact that there were criminal proceedings pending against him was sufficient for his employer to have dismissed him on the basis of a suspicion of being affiliated or connected to a terrorist organisation. In their observations the Government submitted that the criminal proceedings against the applicant mentioned by the labour court had been terminated on 3 April 2018 with a decision to suspend the pronouncement of the judgment. Moreover, the Government noted that the applicant had previously been charged with drug use, and that those proceedings had also ended with the suspension of pronouncement of the judgment on 14 January 2016.

19. In the proceedings brought by Ahmet İlaslan (application no. 26550/20), the labour court noted that he had been investigated in connection with the funeral of an alleged terrorist which had taken place on 16 September 2015 and during which, along with other participants, he had allegedly chanted slogans in favour of the PKK and had unfurled banners while driving a municipal funeral vehicle. The public prosecutor had decided not to prosecute the applicant for his involvement in the funeral, noting that his acts did not constitute the elements of a crime, and also that he had not engaged in any act of violence or otherwise incited violence or resistance. The labour court noted that the municipality that had requested the applicant's dismissal had relied on a breach of trust and loyalty on account of those events, and that this could constitute valid grounds for dismissal.

20. In the proceedings brought by Abdullah Bekis (application no. 29728/20), the labour court upheld his dismissal, finding it to have been based on valid grounds and noting that the case file contained documents and information about a criminal complaint lodged on 11 February 2017 against the applicant by another public entity in connection with an allegation that he had disseminated propaganda in favour of the PKK and had been connected to illegal structures of that kind. The labour court's decision did not contain any details as to how those criminal proceedings had ended. However, in their

observations, the Government submitted that the applicant had been convicted on 14 July 2017 of disseminating propaganda in favour of a terrorist organisation but that the Criminal Assize Court had decided to suspend the pronouncement of the judgment.

21. On various dates, the applicants lodged individual applications with the Constitutional Court, complaining, *inter alia*, of a violation of their right to a fair trial, of their right to the presumption of innocence and – with the exception of the applicant Ahmet İlaslan – of their right to respect for their private life. They argued that they had been portrayed as members of a terrorist organisation on the basis of conclusions reached entirely by State authorities. The labour courts in turn had accepted the assessment of those authorities without any real scrutiny and had deemed it sufficient for the purposes of Legislative Decree no. 677. The applicants, who complained of a violation of their right to respect for their private life, argued that their dismissals on the basis of the Legislative Decree carried a lifetime prohibition on working in the civil service, and that the assignment of a specific dismissal code in their social security record to the effect that they had been dismissed by virtue of a state-of-emergency decree had a stigmatising effect on their reputation, preventing them from finding work in the private sector.

22. On various dates the Constitutional Court dismissed the applications by way of summary decisions. In doing so, it reclassified the applicant's complaints and examined them in the light of the right to a fair trial and the right to work. It declared them inadmissible – those concerning the right to a fair trial as being manifestly ill-founded, and those concerning the right to work as being incompatible *ratione materiae* with the provisions of the Convention.

III. COMPENSATION PROCEEDINGS LODGED BY SOME OF THE APPLICANTS

23. In their observations, the Government submitted that the applicants Doham Onat, Muhittin Duymak and Kenan Yıldırım had subsequently initiated proceedings with a view to seeking severance and length-of-service pay from their employer following the termination of their contracts on valid grounds. The Government noted, in the case of the first two of those applicants, that mediation efforts had failed, and that the other applicant had brought proceedings directly in the labour courts.

24. In any event, the Government noted that the labour courts had accepted their claims. The proceedings in respect of Doham Onat had become final and he had received 37,089 Turkish liras in total for severance, length-of-service pay and other entitlements, in connection with the termination of his contract for valid grounds. The proceedings in respect of the other two applicants were pending before the regional labour courts at the time of the submission of the Government's respective observations.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. LEGAL FRAMEWORK

25. The relevant provisions of the Turkish Constitution, Legislative Decree no. 667 and the Labour Code are set out in *Pişkin* (cited above, §§ 32-37).

26. Turkish labour regulations, with the exception of the rules governing the status of civil servants, provide that an employment contract may be terminated on “valid grounds” or “just grounds” as set out in the Labour Code. In the case of termination of an employment contract on valid grounds, the former employee is entitled to severance and length-of-service pay, whereas there is no such entitlement in cases where a contract is terminated on just grounds (see *Pişkin*, cited above, § 35).

27. Furthermore, an employee who is dismissed may bring reinstatement proceedings before a labour court, challenging the grounds of his or her dismissal. Should the labour courts find that the dismissal was not based on valid or just grounds, they will order the employer either to reinstate the employee to his or her previous position with back pay (up to four months’ wages) or to pay him or her compensation for unjustified termination, the amount of which will be specified in the judgment.

28. Section 18 of the Mediation in Civil Disputes Act (Law no. 6325) provides that the parties are prohibited from bringing an action in respect of issues agreed on as part of a mediation procedure.

29. Moreover, section 3 of the Labour Courts Act, which entered into force on 1 January 2018, makes it mandatory to request mediation before bringing reinstatement or compensation proceedings before the labour courts. Labour courts are therefore required to reject any case which has been lodged without first seeking mediation.

30. Suspension of the pronouncement of a judgment is governed by Article 231 of the Code of Criminal Procedure, the relevant paragraphs of which read as follows at the relevant time:

“...

(5) If the accused has been convicted on the charges against him and ordered to pay a fine or sentenced to imprisonment for a period of less than two years, the court may decide to suspend the pronouncement of the judgment ... The suspension of the pronouncement of the judgment means that the judgment shall not bear any legal consequences for the offender.

(6) A decision to suspend the pronouncement of a judgment may be issued provided that:

(a) the offender has never been found guilty of an intentional offence;

(b) the court is convinced, taking into account the offender’s personal traits and his behaviour during the proceedings, that there is little risk of any further offence being committed; [and]

(c) the damage caused to the victim or to society is redressed by way of restitution or compensation.

...

(8) If the pronouncement of the judgment is suspended, the offender shall be kept under supervision for the following five years.

...

(10) If the offender does not commit another wilful offence and abides by the obligations of the supervision order, the judgment [whose] pronouncement has been suspended shall be cancelled and the case discontinued.

(11) If the offender commits another wilful offence or acts in violation of the obligations of the supervision order, the court shall impose the sentence. Nevertheless, the court may evaluate the offender's situation and may decide that ... up to half of the total sentence shall not be executed. If the conditions so permit, the court may also suspend the execution of [any] imprisonment or commute it to other optional measures.

(12) An objection to the decision to suspend the pronouncement of the judgment may be lodged."

II. PRACTICE OF THE DOMESTIC COURTS

A. Case-law of the Constitutional Court

31. In addition to the decisions of the Constitutional Court in the cases of *Mehmet Akif Günder* (no. 2018/4268), *Emin Arda Büyük* (no. 2017/28079), *Berrin Baran Eker* (no. 2018/23568) and *C.A.(3)* (no. 2018/10286), the summaries of which may be found in *Pişkin* (cited above, §§ 39-40), the Government further referred to the Constitutional Court's decision of 14 September 2021 in the case of *Reşat Kıran* (no. 2018/35972). In that case the applicant had complained that his right to a fair trial and right to the presumption of innocence had been violated because his dismissal on grounds of a suspicion had been found to have been justified by the courts on account of a previous conviction and investigation. The applicant in question had argued that neither during the period of his employment nor at the time of his dismissal had he been subject to a criminal prosecution that could justify his dismissal. The Constitutional Court dismissed both of his complaints as being manifestly ill-founded, finding that the labour courts' assessment to the effect that a previous investigation or conviction could constitute grounds for suspicion of affiliation to a terrorist organisation had been factually and legally relevant in the case. The Constitutional Court noted that the labour courts' decisions had not contained any language giving the impression that they had regarded the applicant as guilty of a criminal offence. Moreover, in the case of *Fatma Nakçi* (no. 2021/33217) which concerned the dismissal of an applicant by a private sub-contractor, the domestic courts justified the applicant's dismissal on the basis of her presumed links to a terrorist organisation by referring to a previous criminal investigation and pending

criminal proceedings which had ended in non-prosecution and acquittal respectively. The Constitutional Court found a violation of the applicant's right to a fair trial because the trial courts had failed to assess the content and relevance of those criminal proceedings in the context of the applicant's dismissal and had merely referred to the existence of the criminal investigations and proceedings in their reasoning to justify the dismissal. In that regard, the domestic courts had failed to provide relevant and sufficient reasons as to the events and facts which had led to the breakdown of the relationship of trust between the applicant and the employer (see in particular paragraphs 43-46 of the decision).

32. Lastly, the Government noted that in a large number of cases the Constitutional Court had applied the principles it had developed in the *Berrin Baran Eker* and *Emin Arda Büyük* cases, and had found violations of Article 6 of the Convention where the labour courts had upheld dismissals solely on the basis of suspicion on the part of an employer without examining the factual elements relating to applicants' situation.

B. Case-law of the Court of Cassation provided by the Government

33. In a labour dispute concerning a dismissal on the basis of a past conviction, in which a railway employee had asked the labour courts to declare the dismissal unlawful, the Court of Cassation held that an employer could dismiss an employee on the basis of a suspicion if that suspicion was justified by serious, significant and concrete events resulting in a breach of trust. According to the Court of Cassation, there was information in the case file about circumstances and events that had formed the basis of a strong objective suspicion held by the employer. That information concerned the increase in terrorist incidents in the region, the targeting of railways where the applicant worked and the applicant's past conviction for a terrorist offence, all of which had made it intolerable for the employer to continue the employment relationship (decision of 22 October 2007, E. 2007/16878, K. 2007/30923).

34. In another case, the Court of Cassation held that where a dismissal was based on a suspicion, that suspicion had to be linked to a criminal offence or to a serious breach of an obligation where it had not been proved that the employee had breached that obligation but where specific elements were nonetheless present. The Court of Cassation found that in order for a dismissal based on suspicion to be valid, there had to be a strong suspicion based on objective events and facts that were capable of breaching the trust between an employer and an employee. Nevertheless, the employer must make every effort to clarify the specific event which had given rise to the suspicion and to seek the employee's views (decision of 16 March 2009, E. 2008/17012, K. 2009/6827).

35. In a case involving the dismissal of an employee from a public institution on the basis of a suspicion in the aftermath of the attempted coup of 15 July 2016, the Court of Cassation found that the trial court's examination had been insufficient. The respondent employer had not submitted to the trial court all the evidence on which the dismissal had been based. The trial courts, in turn, had not verified whether there existed concrete evidence which was sufficiently strong to justify the suspicion. In that connection, the trial court should have clarified whether the dismissal had been based on just or valid grounds by requesting the respondent employer to provide all the evidence on which the dismissal had been based, by seeking information from the judicial authorities, security and intelligence services as to whether the applicant had had any connection, contact or affiliation with a terrorist organisation, by hearing the parties' witnesses, if any, and by then deciding the case on the basis of the evidence obtained (decision of 26 September 2017, E. 2017/38645, K. 2017/19303).

36. In a case concerning a dismissal on the basis of section 4 of Legislative Decree no. 667, the Court of Cassation found that the grounds for dismissal on the basis of a suspicion had been met. It held that the evidence in the case file – which had consisted of information about the applicant's educational background, in particular the private schools he had attended which were considered to be affiliated with the FETÖ/PDY; his membership of the board of the alumni association of one of those schools; and the public prosecutor's decision not to prosecute him for terrorism-related offences – had been sufficient for that purpose (decision of 3 July 2019, E. 2019/1589, K. 2019/14951). Lastly, the Court of Cassation found a dismissal to be valid in another similar case, holding that being a member of associations which had been shut down pursuant to various legislative decrees and making transactions with Bank Asya after the events of 17 to 25 December 2013, constituted concrete facts demonstrating an affiliation, connection or links with the FETÖ/PDY organisation (decision of 1 October 2019, E. 2019/6779; K. 2019/17755).

THE LAW

I. JOINDER OF THE APPLICATIONS

37. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly.

II. ALLEGED ABUSE OF THE RIGHT OF APPLICATION

38. The Government argued that the complaints introduced by the applicants Doham Onat, Muhittin Duymak and Kenan Yıldırım under Article 6 of the Convention amounted to an abuse of their right of individual

application because they had not informed the Court of important facts regarding the compensation proceedings (see paragraphs 23-24 above).

39. The Court notes that an application may be rejected as an abuse of the right of individual application if, *inter alia*, it was knowingly based on untrue facts with a view to deceiving the Court (see *X and Others v. Bulgaria* [GC], no. 22457/16, § 145, 2 February 2021, and *G.I.E.M. S.R.L. and Others v. Italy* [GC], nos. 1828/06 and 2 others, § 172, 28 June 2018). The submission of incomplete and thus misleading information may also amount to an abuse of the right of individual application, especially if the information concerns the very core of the case and no sufficient explanation has been provided for the failure to disclose that information (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014). The same applies where important new developments have occurred during the proceedings before the Court and where, despite being expressly required to do so by Rule 47 § 7 of the Rules of Court, the applicant has failed to disclose that information to the Court, thereby preventing it from ruling on the case in full knowledge of the facts (see *Miroļubovs and Others v. Latvia*, no. 798/05, § 63, 15 September 2009, and *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 97, ECHR 2012). Even in such cases, the applicant's intention to mislead the Court must be established with sufficient certainty (see *Centro Europa 7 S.r.l. and Di Stefano*, § 97, and *Gross*, § 28, both cited above).

40. The Court observes that when an employee whose contract is governed by the provisions of the Labour Code is dismissed, he or she may seek reinstatement before the labour courts provided that certain conditions relating to the nature and the duration of the contract and the nature of the workplace are met. Furthermore, in cases where dismissal took place without the payment of severance and length-of-service pay, an employee may bring compensation proceedings. According to the Government, an action seeking reinstatement is a declaratory action (*tespit davası*) capable of establishing the contract termination regime (valid grounds or just grounds). Thus, in practice the amounts payable in respect of severance pay and length-of-service indemnity could be claimed by means of separate proceedings before the labour courts (see also *Pişkin v. Turkey*, no. 33399/18, § 36, 15 December 2020).

41. The Court further notes that mediation became mandatory as of 1 January 2018 for those wishing to pursue claims with respect to reinstatement or compensation, and that only when mediation fails can a labour court examine such an action (see paragraph 29 above).

42. In the present case, the Court notes that the applicants Doham Onat, Muhittin Duymak and Kenan Yıldırım applied to the labour courts seeking compensation for severance and length-of-service pay after the labour courts had determined in reinstatement proceedings that their dismissal had been

justified but constituted “valid grounds” as opposed to “just grounds” within the meaning of the Labour Code.

43. The Court observes that the reinstatement proceedings which form the subject matter of the present case served a different legal purpose from that of the compensation proceedings in question. Whereas in the reinstatement proceedings, the applicants sought a declaration that their dismissal had been unlawful and therefore an order to be reinstated to their positions, in the compensation proceedings they sought severance and length-of-service pay following the labour courts’ rejection of their reinstatement claim and the classification of their dismissal as having been on “valid grounds”. Since the applicants’ complaint before the Court concerns the alleged unlawfulness of their dismissal and the manner in which the domestic courts had evaluated the evidence in connection with previous criminal proceedings, the Court cannot agree with the Government that the applicants’ failure to inform the Court of the subsequent proceedings should be viewed as an attempt on the part of those applicants to conceal from the Court important information relevant to the assessment of the case. The Court further notes that the situation of the applicants is different from the one examined in *Şeker v. Turkey* ((dec.), no. 30330/19, §§ 21-22, 7 September 2021), where the failure of that applicant to inform the Court – while his application was pending before it – of the content and the terms of the mediation agreement he had concluded with his former employer was found to be an abuse of the right of individual application, especially when viewed in the light of section 18 of Law no. 6325 (see paragraph 28 above).

44. It follows that the Government’s preliminary objection in this regard must be dismissed.

III. NOTICE OF DEROGATION BY TÜRKİYE

45. The Government requested that the applicants’ complaints be examined in the light of the notice of derogation transmitted to the Secretary General of the Council of Europe on 21 July 2016 under Article 15 of the Convention, which provides:

“1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.”

46. The Government submitted that having availed itself of its right of derogation to the Convention pursuant to Article 15, Türkiye had not infringed the provisions of that instrument. In that connection they stated that there had been a public emergency threatening the life of the nation on account of the risks arising out of the attempted military coup and that the measures taken by the national authorities in reaction to that emergency had been rendered strictly necessary by the situation.

47. The Court refers to its judgment in the case of *Mehmet Hasan Altan v. Turkey* (no. 13237/17, § 93, 20 March 2018), where it noted that the attempted military coup had revealed the existence of a “public emergency threatening the life of the nation” within the meaning of the Convention. As to whether the measures taken in the present case were strictly required by the exigencies of the situation and consistent with Türkiye’s other obligations under international law, the Court considers it necessary to examine the applicants’ complaints on the merits and will do so below (see, for a similar approach, *Pişkin*, cited above, § 59).

IV. ALLEGED VIOLATIONS OF ARTICLE 6 OF THE CONVENTION

48. The applicants complained that the judicial review by the domestic courts of their dismissals had been ineffective and argued that the labour courts had infringed their right to the presumption of innocence since, in justifying their dismissal, they had referred to criminal proceedings or investigations which had taken place prior to the attempted coup and which had ended with a final acquittal or a final decision not to prosecute. They relied in substance on Article 6 §§ 1 and 2 of the Convention, the relevant parts of which read as follows:

“1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law...

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

...”

49. The Government contested that argument.

A. Admissibility

1. Applicability of Article 6 § 2

(a) General principles

50. Relying on the Court’s findings in *Pişkin* (cited above, § 110), the Government argued that Article 6 § 2 did not apply in its first aspect to the reinstatement proceedings in the labour courts in the applicants’ case. Regarding the second aspect of Article 6 § 2, the Government submitted that

the applicants could not demonstrate that a link existed between the prior criminal proceedings and the decisions of the labour courts.

51. The Court reiterates that Article 6 § 2 safeguards the right to be “presumed innocent until proved guilty according to law”. In the context of a criminal trial, it acts as a procedural guarantee, imposing requirements in respect of, *inter alia*, the burden of proof, legal presumptions of fact and law, the privilege against self-incrimination, pre-trial publicity, and premature expressions, by the trial court or by other public officials, of a defendant’s guilt (see *Allen v. the United Kingdom* [GC], no. 25424/09, § 93, ECHR 2013, with references therein). However, in keeping with the need to ensure that the right guaranteed by Article 6 § 2 is practical and effective, the Court has, over time, developed a “second aspect” to the presumption of innocence, which comes into play after the criminal proceedings have concluded, either with an acquittal or a discontinuance (see *Nealon and Hallam v. the United Kingdom* [GC], nos. 32483/19 and 35049/19, § 102, 11 June 2024).

52. Moreover, the Court reiterates that the principle of the presumption of innocence is not limited to a procedural safeguard in criminal matters: its scope is broader and requires that no representative of the State should say that a person is guilty of an offence before his or her guilt has been established by a court (see *Konstas v. Greece*, no. 53466/07, § 32, 24 May 2011). In that connection, the presumption of innocence may be infringed not only in the context of a criminal trial, but also in separate civil, disciplinary or other proceedings that are conducted simultaneously with the criminal proceedings (see, among other authorities, *Urat v. Turkey*, nos. 53561/09 and 13952/11, § 42, 27 November 2018).

53. Thus, Article 6 § 2 of the Convention has been found to be applicable in its second aspect in various different types of proceedings following a criminal trial (see, for a comprehensive list, *Nealon and Hallam*, cited above, §§ 103-07), including in connection with disciplinary or dismissal issues (see, for example, *Mouillet v. France* (dec.), no. 27521/04, 13 September 2007; *Taliadorou and Stylianou v. Cyprus*, nos. 39627/05 and 39631/05, §§ 42-47, 16 October 2008; *Çelik (Bozkurt) v. Turkey*, no. 34388/05, § 34, 12 April 2011; *Urat*, cited above, § 47; *U.Y. v. Türkiye*, no. 58073/17, §§ 31-34, 10 October 2023; and *Ispiryan v. Lithuania*, no. 11643/20, § 76, 27 June 2023).

(b) Application of the above principles in the present case

54. Turning to the present case, the Court notes that there are similarities between the wording of section 4(1)(g) of Legislative Decree no. 667 – that is, membership of or affiliation with a terrorist organisation or another type of organisation posing a threat to national security – and the definition of certain criminal offences in the Criminal Code (see *Pişkin*, cited above, § 106). However, the Court has not considered that fact alone to be sufficient to conclude that reinstatement proceedings in themselves constitute a

“criminal charge” within the meaning of Article 6 of the Convention (ibid., §§ 105-08). It therefore follows that Article 6 § 2 does not apply in its first aspect.

55. As to the applicability of the second aspect, the scope of which is broader than that of criminal proceedings and which may be applicable in other proceedings conducted in parallel and/or following a final judgment in criminal proceedings, the Court notes that there was a clear link between the criminal proceedings brought against the applicants prior to their dismissal and the reinstatement proceedings in question. The labour courts justified the employers’ suspicions that the applicants were affiliated or associated with terrorist organisations on the existence of such ongoing or already concluded criminal proceedings.

56. As a result, Article 6 § 2 is applicable in its second aspect in the context of the reinstatement proceedings in question and the complaint is therefore not incompatible *ratione materiae* with the provisions of the Convention.

2. Other grounds of admissibility

57. The Government did not dispute the applicability of Article 6 § 1 under its civil limb to the reinstatement proceedings in question but argued that the situation in the present case was quite different from that of the applicant in *Pişkin* (cited above), since the labour courts had carried out an individual assessment of the circumstances giving rise to the applicants’ dismissal with a view to determining the existence of objective and reasonable grounds. In line with the principle of subsidiarity and the margin of appreciation of the domestic courts to assess the facts and apply domestic law, the Government invited the Court to declare the applications manifestly ill-founded.

58. In the Court’s view, the Government’s objections regarding the allegedly manifestly ill-founded nature of applications essentially relate to the merits of the case. The Court also finds that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. Article 6 § 2 of the Convention

59. The applicants maintained their arguments.

60. The Government submitted that the background against which the applicants’ dismissals had taken place, in particular the “ditch incidents” and the failed coup attempt of 15 July 2016, had to be taken into account (see paragraphs 5 and 6 above). In the reinstatement proceedings, the labour

courts had only assessed, within the bounds of their civil forum, whether the trust between the employers and the applicants could be considered to have been broken. In that connection, they had determined, by taking into account the situation in the aftermath of the failed coup attempt, whether there were any circumstances that indicated or insinuated that the applicants had a link to or a connection with illegal structures engaged in activities against the national security of the State. That being so, those courts had kept their examination within the confines of labour law and had not commented on the applicants' criminal responsibility *vis-à-vis* previous or ongoing criminal proceedings. In the Government's view, there was nothing in the reasoning or the language of the labour courts demonstrating a lack of respect for the applicants' right to the presumption of innocence. They therefore submitted that there had been no violation of Article 6 § 2 of the Convention.

61. The Court reiterates that the protection afforded by Article 6 § 2 when there are ongoing criminal proceedings against an individual seeks to prohibit the premature expression by the tribunal of the opinion that the person "charged with a criminal offence" is guilty before he or she has been so proved according to law (see, among many other authorities, *Minelli v. Switzerland*, 25 March 1983, § 37, Series A no. 62, and *Peša v. Croatia*, no. 40523/08, § 138, 8 April 2010). This protection also covers statements made by other public officials about pending criminal investigations which encourage the public to believe the suspect guilty and which prejudge the assessment of the facts by the competent judicial authority (see *Allenet de Ribemont*, 10 February 1995, § 41, Series A no. 308; *Daktaras v. Lithuania*, no. 42095/98, §§ 41-43, ECHR 2000-X; *Butkevičius v. Lithuania*, no. 48297/99, § 49, ECHR 2002-II (extracts); and *Ispiryan*, cited above, § 50). That being so, the Court has always maintained that until the criminal charges are determined by the competent criminal court, a distinction must be made between a statement that someone is merely suspected of having committed a criminal offence and a clear declaration, in the absence of a final conviction, that an individual has committed the offence in question. In this regard the Court has emphasised the importance of public officials' choice of words in statements made by them before a person has been tried and found guilty of a particular criminal offence. While the use of language is of critical importance in this respect, the Court has furthermore pointed out that whether a statement made by a public official is in breach of the principle of the presumption of innocence must be determined within the context of the particular circumstances in which the statement was made, taking into account that the statements of judges are subject to closer scrutiny than those made by investigative authorities such as the police or the prosecutor's office (see *Pandy v. Belgium*, no. 13583/02, § 43, 21 September 2006; *Kampanellis v. Greece*, no. 9029/05, § 27, 21 June 2007; and *Shuvalov v. Estonia*, nos. 39820/08 and 14942/09, § 75, 29 May 2012). Even the use of some unfortunate language may not be decisive when regard is had to the nature

and context of the particular proceedings (see, among other authorities, *Karaman v. Germany*, no. 17103/10, § 63, 27 February 2014, with further references).

62. The Court further reiterates that as far as the second aspect of the presumption of innocence is concerned, the aim is to protect individuals who have been acquitted of a criminal charge, or in respect of whom criminal proceedings have been discontinued, from being treated by public officials and authorities as though they are in fact guilty of the offence charged (see *Nealon and Hallam*, cited above, § 108, with further references). That is because those persons are innocent in the eyes of the law and must be treated in a manner consistent with that innocence (see *Allen*, cited above, § 103). To that extent, therefore, the presumption of innocence will remain after the conclusion of criminal proceedings in order to ensure that, as regards any charge which was not proved, the innocence of the person in question is respected.

63. Turning to the present case, the Court notes that the presumption of innocence under Article 6 § 2 operates differently depending on whether an individual is still facing criminal charges or whether those proceedings have been concluded. In the light of this nuanced protection, the Court considers that a distinction must be made between two categories of applicants: those whose criminal charges were pending at the time of their dismissals and those against whom no such criminal proceedings were pending or where such proceedings had ended with a result other than conviction.

64. As regards the first category, the Court notes that at the time of their dismissals, the applicants Muhittin Duymak and Abdullah Bilen were being tried by criminal courts on charges of membership of an armed organisation and dissemination of propaganda in favour of a criminal organisation respectively. It also appears from the examination carried out by the labour courts that the very existence of those criminal allegations against the applicants was considered to be sufficient for the termination of their employment contracts on the basis of a suspicion of having an affiliation, connection or links with illegal structures. Referring to its settled case-law, the Court reiterates that a statement indicating that a person is suspected of having committed a crime does not in itself infringe the principle of the presumption of innocence, provided that it remains within the limits of civil jurisdiction and does not prejudice guilt. Accordingly, the Court does not consider that in the present case the labour courts overstepped the bounds of their civil jurisdiction in such a way as to violate the right of the two applicants in question to be presumed innocent in the context of the parallel criminal proceedings (see, *mutatis mutandis*, *Hrdalo v. Croatia*, no. 23272/07, § 55, 27 September 2011, and *Ispiryan*, cited above, § 82). Accordingly, there has been no violation of Article 6 § 2 of the Convention in respect of those applicants.

65. Turning to the second category of applicants, the Court notes that in upholding their dismissal on account of the suspicion of their presumed links with illegal structures, the labour courts referred only to the previous criminal proceedings against the applicants, in respect of which they had either never been formally charged, or had not been convicted (see Appendix II below and paragraphs 14, 16, 17, 19 and 20 above). The labour courts' task in the present case was to determine whether there had been any objective element justifying the employers' suspicion that the applicants were affiliated, connected or linked with illegal structures. The Court has already had occasion to note that the concepts of affiliation, connection and having links resemble the definition of certain criminal offences in the Criminal Code (see *Pişkin*, cited above, §106). The Court is therefore prepared to accept that the labour courts' reasoning, which employed that terminology, could have given the impression to a lay observer that the labour courts were not convinced of the applicants' innocence in respect of the previous criminal investigations in which they had been accused of terrorism-related offences and that in upholding their dismissals the labour courts were in fact casting doubt on the correctness of the findings by the criminal authorities. This is especially the case since the labour courts did not elaborate on why the existence of previous criminal proceedings, which had, moreover, ended with a result other than conviction, was sufficient to justify the suspicion against the applicants regarding their presumed links. However, the lack of reasoning in that regard on the part of the labour courts is an issue more closely concerned with the guarantees under Article 6 § 1 rather than those under Article 6 § 2 of the Convention, and the Court will revisit that issue below. Moreover, in the recent case of *Nealon and Hallam* (cited above, § 168), the Grand Chamber clarified the scope of the obligation on States with respect to the second aspect of the presumption of innocence in subsequent linked proceedings. Accordingly, regardless of the nature of the subsequent linked proceedings, and regardless of whether the criminal proceedings ended in an acquittal or a discontinuance, the decisions and reasoning of the domestic courts or other authorities in those subsequent linked proceedings, when considered as a whole, and in the context of the exercise which they are required by domestic law to undertake, will violate Article 6 § 2 of the Convention in its second aspect if they amounted to the imputation of criminal liability to the applicant. To impute criminal liability to a person is to reflect an opinion that he or she is guilty to the criminal standard of the commission of a criminal offence, thereby suggesting that the criminal proceedings should have been determined differently (*ibid.*, with further references and, more recently, *Cosovan v. the Republic of Moldova* (no. 2), no. 36013/13, § 36, 8 October 2024).

66. However, in the applicants' case, the Court is unable to find that the labour courts' reference to previous criminal proceedings to justify the termination of employment contracts on the basis of a suspicion of an

affiliation or connection with illegal structures amounted to an opinion that the applicants were guilty to the criminal standard of the offences with which they had been previously charged. This is especially so as the labour courts contextualised their assessment by noting that the degree of connection or affiliation with an illegal structure did not have to reach the level of membership of a terrorist organisation, their assessment in that regard being subject to a less stringent burden of proof. The labour courts also noted that their assessment was independent from that of the criminal liability of the applicants and was restricted to determining whether it was appropriate to allow them to work in public institutions (see paragraph 12 above). Accordingly, these contextual elements prevented the decisions of the labour courts from constituting imputation of guilt within the meaning of Article 6 § 2.

67. There has accordingly been no violation of Article 6 § 2 of the Convention.

2. Article 6 § 1 of the Convention

68. The Government explained that Legislative Decree no. 667 had introduced a special procedure for the state of emergency facilitating the dismissal of individuals working in public institutions who were affiliated or linked with illegal structures. The Government stated that the main aim of that measure had been to protect the public institutions from the influence of such structures and to prevent the latter from using public resources and installations. They submitted that the aim of the procedure had been to combat terrorism effectively and to defend the principles of democracy. The Government argued that the proceedings had been fair and that the judicial review conducted by the domestic court had been in line with the findings of the Court in *Pişkin* (cited above).

69. The Court refers to the principles flowing from its case-law as to the extent of the judicial review required of the domestic courts and their obligation to give reasons for their decisions (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, §§176-86, 6 November 2018, and *Pişkin*, cited above, §§ 130-35). This means, in particular, that the domestic court must have the power to examine point by point each of the litigant's grounds on the merits, without refusing to examine any of them, and give clear reasons for their rejection. As to the facts, the court must be able to examine those that are central to the litigant's case (see *Al-Dulimi and Montana Management Inc. v. Switzerland* [GC], no. 5809/08, § 128, 21 June 2016).

70. In *Pişkin* (cited above) the Court held that the labour courts had full jurisdiction to determine the law and facts surrounding termination of employment in a labour dispute in the aftermath of the failed coup attempt. In finding a violation of Article 6 of the Convention in that case, the Court noted that the labour courts had unjustifiably restricted their own jurisdiction

to examine the facts and law related to the case because they had only determined whether the dismissal had been decided by a competent authority and had had a basis in law. They however failed to determine whether the termination of the applicant's employment contract for presumed links with an illegal structure had been justified by his conduct or any other relevant evidence or information. By so doing the domestic courts had also failed to determine whether the applicant had been dismissed on "valid" or "just" grounds within the meaning of the Labour Code.

71. It is true that in the present case the labour courts conducted a more thorough examination of the dispute than they had done in the case of *Pişkin*. In particular, they examined, of their own motion, and without any restriction of the applicants' right to adversarial proceedings, whether there was any information that could form the basis of a suspicion with respect to the applicants and their presumed links to illegal structures, and the legal grounds on which their dismissal had been based. Nevertheless, the courts do not appear to have subjected that information, which concerned only ongoing or completed criminal proceedings against the applicants, to a test of relevance. There is no adequate reasoning in the courts' decisions as to how and why the existence of such ongoing or completed proceedings had led to a loss of confidence between the employers and the applicants in question. In the Court's view, since the employer did not refer, either at the time of the dismissals or during the court proceedings, to any specific event or conduct of the applicants in question, it was all the more important that the courts should explain why they deemed the information they had obtained of their own motion to be relevant to the employers' suspicion that the applicants had presumed links with illegal structures. Moreover, it is clear from domestic case law that the Court of Cassation and the Constitutional Court require the trial courts to provide adequate and relevant reasons for the basis of the suspicion, taking into account the existence of serious, significant and concrete events which, from an objective point of view, are capable of breaching the trust between the employer and the employee (see paragraphs 31-36 above). While it is not the Court's task to take the place of the domestic courts in the interpretation of domestic law, it suffices to note that the verification of a suspicion of the existence of serious, significant and concrete events capable of breaching trust in the employment context is of decisive importance for determining whether the termination of a contract was valid within the meaning of the Labour Code. That question therefore requires a proper examination by the domestic courts as an appropriate safeguard against arbitrary dismissal. However, in respect of the applicants Muhittin Duymak and Abdullah Bilen, the courts referred only to the existence of ongoing criminal proceedings against them and did not assess, within the bounds of their civil forum, whether the facts giving rise to the criminal charges against the applicants could be such as to result in a breakdown of confidence. As regards the remaining applicants, the courts

confined themselves to observing that there had been previous criminal proceedings without explaining the relevance of those criminal proceedings *vis-à-vis* the termination of the applicants' contract on the grounds of a suspicion. Bearing in mind that the criminal proceedings in respect of those applicants had ended with a result other than conviction, it was incumbent on the domestic courts to determine and give reasons for what had led to the breakdown of trust and confidence on the part of the employer, in order to ensure that the dismissal had not been an arbitrary measure disguised as legitimate under the state-of-emergency legislation.

72. Lastly, although the Government considered the "ditch incidents" that had taken place in south-east Türkiye to have been relevant to the dismissal of the applicants, the Court cannot give weight to that argument in the absence of the domestic courts' own reasoning in that regard and the lack of any substantiation by the Government concerning the applicants' alleged involvement in those incidents.

73. As regards Article 15 of the Convention, the Court sees no reason to depart from its approach in *Pişkin* (cited above, §§ 152-53). The legislative decree in question placed no restrictions on the judicial review to be conducted by the domestic courts following the dismissal of individuals on the basis of their presumed links with illegal structures. What is more, none of the domestic courts in the present case, including the Constitutional Court, referred to the state of emergency in their review of the applicants' cases as preventing them from fully assessing the merits of the complaints.

74. The foregoing considerations are sufficient to enable the Court to conclude that there has been a violation of Article 6 § 1 of the Convention.

V. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

75. Lastly, the applicants, except for the applicant in application no. 26650/20, complained under Article 8 of the Convention that they had been stigmatised by their dismissals and had suffered irreversible harm to their reputations and private lives.

76. Having regard to the conclusions reached above under Article 6 § 1 of the Convention and the parties' submissions, the Court considers that there is no need to give a separate ruling on the admissibility and merits of these complaints in the present case (compare *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

77. Article 41 of the Convention provides:

"If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only

partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

78. The applicants claimed various amounts in respect of pecuniary and non-pecuniary damage, and for costs and expenses, as set out in Appendix I.

79. The Government submitted that the applicants’ claims were excessive or unsubstantiated.

80. The Court does not discern any causal link between the violation found and the pecuniary damage alleged by the applicants; it therefore rejects their claims.

81. However, the Court considers that the applicants must have sustained non-pecuniary damage which the finding of violations of the Convention in this judgment does not suffice to remedy. The Court, ruling on an equitable basis, awards 1,500 euros (EUR) in respect of non-pecuniary damage, plus any tax that may be chargeable, to each of the applicants.

82. As to costs and expenses, the Court reiterates that an applicant is entitled to their reimbursement only in so far as it has been shown that they have been actually and necessarily incurred and are reasonable as to quantum (see, among many other authorities, *L.B. v. Hungary* [GC], no. 36345/16, § 149, 9 March 2023). Regard being had to the documents in its possession and the above criteria, the Court rejects the applicants’ claims for costs and expenses in the domestic proceedings as unrelated to the violation it has found. It further rejects – except for application no. 26550/20 – the applicants’ claims in respect of lawyers’ fees because no supporting documents have been produced. However, it awards Mr. İlaslan (application no. 26550/20) EUR 1,000 in respect of lawyers’ fees.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaints concerning the applicants’ right to a fair trial and to be presumed innocent admissible;
3. *Holds* that there has been no violation of Article 6 § 2 of the Convention;
4. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
5. *Holds* that there is no need to examine the complaint under Article 8 of the Convention;
6. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with

Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

- (i) EUR 1,500 (one thousand five hundred euros), plus any tax that may be chargeable, to each of the applicants, in respect of non-pecuniary damage;
- (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to Mr. Ahmet İlaslan (application no. 26550/20), in respect of costs and expenses;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 25 March 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı
Registrar

Arnfinn Bårdsen
President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of birth Place of residence Nationality	Represented by	Just Satisfaction Claims in Turkish liras (TRY) or euros (EUR)
1.	61590/19	Onat v. Türkiye	15/11/2019	Daham ONAT 1977 Van Turkish	Deniz IŞIK	EUR 100,000 for pecuniary damage; EUR 100,000 for non-pecuniary damage; EUR 30,000 for costs and expenses.
2.	23504/20	Duymak v. Türkiye	03/06/2020	Muhittin DUYMAK 1963 Şirnak Turkish	Mervan Eren GÜL	EUR 40,000 for pecuniary damage; EUR 50,000 for non-pecuniary damage; TRY 1,011 for domestic court fees and 15 hours of legal work (amount left to the discretion of the Court).
3.	23505/20	Özoğlu v. Türkiye	03/06/2020	Zülküf ÖZOĞLU 1978 Diyarbakır Turkish	Mervan Eren GÜL	EUR 40,000 for pecuniary damage; EUR 50,000 for non-pecuniary damage; TRY 787 for domestic court fees and 15 hours of legal work (amount left to the discretion of the Court).
4.	23786/20	Yıldırım v. Türkiye	15/05/2020	Kenan YILDIRIM 1981 Diyarbakır Turkish	Mervan Eren GÜL	EUR 40,000 for pecuniary damage; EUR 50,000 for non-pecuniary damage; TRY 678 for domestic court fees and 15 hours of legal work (amount left to the discretion of the Court).

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No.	Application no.	Case name	Lodged on	Applicant Year of birth Place of residence Nationality	Represented by	Just Satisfaction Claims in Turkish liras (TRY) or euros (EUR)
5.	25016/20	Bilen v. Türkiye	04/06/2020	Abdullah BİLEN 1992 Diyarbakır Turkish	Mervan Eren GÜL	EUR 40,000 for pecuniary damage; EUR 50,000 for non- pecuniary damage; TRY 1,137 for domestic court fees and 15 hours of legal work (amount left to the discretion of the Court).
6.	26550/20	İlaslan v. Türkiye	11/06/2020	Ahmet İLASLAN 1976 Batman Turkish	Merve KURHAN	EUR 12,000 for pecuniary damage; EUR 15,000 for non- pecuniary damage; EUR 2,060 for costs and expenses.
7.	29728/20	Bekis v. Türkiye	29/06/2020	Abdullah BEKİS 1966 Diyarbakır Turkish	Mervan Eren GÜL	EUR 40,000 for pecuniary damage; EUR 50,000 for non- pecuniary damage; TRY 800 for domestic court fees and 15 hours of legal work (amount left to the discretion of the Court).

APPENDIX II

No.	Application no.	Applicant name	Start and termination date of employment contract	Date of decision of the labour court at first-instance -date of finalisation before the Regional Court of Appeal	Date and nature of accusation against the applicant in previous criminal proceedings	Date of bill of indictment or decision not to prosecute	Decision of criminal courts if any	Date of finalisation of the decision
1.	61590/19	Daham Onat	06/09/2011-05/05/2017	19/12/2017 – 9/05/2018	12/09/2010 – committing an offence on behalf of an armed terrorist organisation	01/12/2010 – decision not to prosecute	-	-
2.	23504/20	Muhittin Duyamak	29/09/2012-27/10/2016	12/06/2018 – 08/05/2019	31/05/2016 – membership of a terrorist organisation	23/01/2018 – decision not to prosecute	-	Not yet final
					19/07/2012 – membership of a terrorist organisation	Bill of indictment of 10/01/2012	Conviction and sentence to six years and ten months and fifteen days' imprisonment on 24 June 2020	
3.	23505/20	Zülküf Özoğlu	01/11/2016-17/10/2017	06/06/2018 – 08/05/2019	06/03/2009 – disseminating propaganda in favour of a criminal organisation	Bill of indictment of 18/03/2009	Decision of the Criminal Assize Court to suspend prosecution on 08/08/2012	10/10/2012

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4.	23786/20	Kenan Yıldırım	01/09/2014-31/07/2017	16/04/2018 – 29/03/2019	22/06/2017 – membership of an armed terrorist organisation	Bill of indictment of 7/07/2017	Acquittal on 06/04/2018	14/04/2018
5.	25016/20	Abdullah Bilen	15/03/2015-10/01/2017	05/07/2018 – 18/03/2019	11/03/2015 – drug possession	Bill of indictment of 26/08/2015	Decision of the Criminal Assize Court to suspend the pronouncement of the judgment on 05/01/2016	14/01/2016
					12/12/2015 and 23/01/2015 – disseminating propaganda in favour of a criminal organisation	Bill of indictment of 3/04/2018	Decision of the Criminal Assize Court to suspend the pronouncement of the judgment on 02/10/2018	10/10/2018
6.	26550/20	Ahmet İlaslan	20/08/2015-30/11/2016	19/04/2018 – 15/09/2018	16/09/2015 – disseminating propaganda in favour of a criminal organisation	08/06/2017 – decision not to prosecute	-	-
7.	29728/20	Abdullah Bekis	08/10/2015-01/04/2017	05/12/2017 – 08/05/2019	11/02/2017 – disseminating propaganda in favour of a criminal organisation	Bill of indictment of 10/04/2017	Decision of the Criminal Assize Court to suspend the pronouncement of the judgment on 14/07/2017	05/09/2017