

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

SECOND SECTION

DECISION

Application no. 22111/19
Feyzullah CANER
against Türkiye

The European Court of Human Rights (Second Section), sitting on 16 June 2026 as a Committee composed of:

Jovan Ilievski*, President*,
Gediminas Sagatys,
Hugh Mercer*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 22111/19) 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") on 8 April 2019 by a Turkish national, Mr Feyzullah Caner ("the applicant"), who was born in 1973, lives in Ankara and was represented by Mr I.F. Midam, a lawyer practising in Ankara;

the decision to give notice of the application to the Turkish Government ("the Government"), 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;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint under Article 6 of the Convention about the non-enforcement of the administrative courts' decisions given in his favour.

A. The applicant's professional background and subsequent reassignments

2. At the time of the events giving rise to the present application, the applicant was employed as a bomb disposal expert at the Bomb Disposal and Investigation Branch of the Criminal Department of the General Security Directorate.

3. On 18 February 2014 the applicant was transferred to the Esertepe Şehit Erkan Ataman police station under the Ankara Security Directorate. In the period that followed, the applicant was reassigned to various departments. He was appointed to the Personnel Branch of the General Security Directorate on 23 March 2015, transferred to the Public Security Branch Teams Supervisorship on 10 April 2015, and reinstated to the Personnel Branch on 3 February 2016.

4. On 10 August 2015 the applicant's area of expertise was also changed from bomb disposal to general services by a decision issued by the General Security Directorate approving this change in branch.

5. The applicant challenged his reassignments and sought reinstatement as a bomb disposal expert in three separate sets of proceedings in which he was ultimately successful. However, as regards his claim for compensation related to his transfer from the position of bomb disposal expert, the administrative authorities, and subsequently the Regional Administrative Court, held that there was no difference in terms of salary or other financial entitlements between the post of a bomb disposal expert and the other posts to which the applicant had been reassigned. They further reasoned that entitlement to bomb disposal compensation required the applicant to have actively performed duties as a bomb disposal expert.

6. Following the decision of the Ankara Regional Administrative Court of 21 June 2017, the applicant was reinstated as a bomb disposal expert on 23 August 2017.

B. Proceedings before the Turkish Constitutional Court

7. On 1 February 2016 the applicant lodged his first individual application with the Turkish Constitutional Court. On 13 February 2019 the Constitutional Court declared the applicant's individual application concerning the non-enforcement of domestic court decisions manifestly ill-founded, using summary wording.

8. On 7 August 2017 the applicant lodged a second individual application with the Constitutional Court, concerning the non-enforcement of domestic court decisions and the alleged unlawfulness of the decision rejecting his claim in respect of pecuniary damage. On 18 November 2020 the Constitutional Court declared the application manifestly ill-founded, holding that the authorities had complied with the administrative courts' decisions, of

which they had been notified on 21 August 2017, by reinstating the applicant on 23 August 2017 (see paragraph 6 above), thus enforcing the decisions within the statutory 30-day period. Furthermore, it noted that the Regional Administrative Court (see paragraph 5 above) had rejected the applicant's claim for financial compensation on the grounds that, under the applicable legislation, the actual performance of duties was required in order to grant such entitlements.

THE COURT'S ASSESSMENT

9. The applicant complained under Article 6 § 1 of the Convention that the administrative authorities had failed to comply with the domestic courts' decisions given in his favour.

10. The relevant principles regarding the non-enforcement of final domestic court decisions have been set out, *inter alia*, in *Burdov v. Russia*, (no. 59498/00, §§ 34 and 35, ECHR 2002-III) and *Raylyan v. Russia* (no. 22000/03, § 31, 15 February 2007; compare also, for illustrative purposes, *Tuna Çolak and Others v. Türkiye* (dec.) [Committee], no. 27737/20, § 10, 8 November 2022).

11. In view of the circumstances of the present case and assuming that Article 6 in its civil limb is applicable to the complaint in question, the Court notes that the domestic courts ruled in favour of the applicant in a series of administrative decisions, including the setting aside of the decision to transfer him to a police station and of his subsequent reassignments to various departments, and restored his specialist status as a bomb disposal expert. The applicant was reinstated to the position of bomb disposal expert on 23 August 2017, in accordance with the decision of the Ankara Regional Administrative Court of 21 June 2017, which was notified to the administrative authorities on 21 August 2017 and implemented within the statutory 30-day period in accordance with domestic law (see paragraphs 6 and 8 above). Having regard to the parties' arguments and the material in its possession, the Court finds that the relevant decision was enforced in a timely and effective manner by the national authorities.

12. The Court further notes that the applicant's claims regarding financial entitlements were examined and dismissed by the administrative authorities and the Regional Administrative Court, which held that there was no distinction in terms of salary or financial entitlements between the posts concerned and emphasised that eligibility for bomb disposal compensation required the actual performance of bomb disposal expert duties (see paragraph 5 above). The Court concludes that no issue arises in respect of the non-enforcement of final domestic court decisions in this regard either.

13. Having regard to the foregoing, the Court considers that the present application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 July 2026.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President