

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

SECOND SECTION

DECISION

Application no. 26362/20
Adil ERCAN
against Türkiye
(see appended table)

The European Court of Human Rights (Second Section), sitting on 2 July 2026 as a Committee composed of:

Stéphane Pisani*, President*,
Juha Lavapuro,
Hugh Mercer*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application 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 9 June 2020,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr M. Gül, a lawyer practising in Diyarbakır.

The applicant's complaints under Article 6 § 1 of the Convention concerning the lack of reasoning or inadequate reasoning in court decisions were communicated to the Turkish Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

The application concerns the applicant's dismissal, in particular the alleged lack of reasoning of the domestic courts reviewing that dismissal and the consequences of the dismissal on his private life.

The Government submitted that the applicant had signed a mediation agreement with his previous employer on 6 June 2018 in relation to compensation for his dismissal and that he had even started receiving his retirement pension on 23 January 2017, that is to say, immediately after his dismissal.

The Government, citing, among others, the case of *Şeker v. Türkiye* ((dec.) no. 30330/19, 25 March 2025), in which the Court found it decisive that the applicant had failed to disclose the mediation agreement he had concluded with the employer, even though under Turkish law such an agreement precluded further proceedings on the same dispute, requested the Court to reject the application as an abuse of the right of individual application in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

The applicant argued that the mediation proceedings were separate and independent from the proceedings at issue before the Court, since the agreement had not enabled his reinstatement to his former post. At the same time, however, the applicant failed to provide any explanation for his omission to inform the Court of the existence of the mediation proceedings.

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).

Turning to the present case, the Court notes that the applicant complained about his dismissal having serious consequences on his private life and about the lack of reasoning of the domestic courts when they had dismissed the case. The applicant neither informed the Court of the mediation proceedings nor disclosed the terms or contents of the agreement reached during those proceedings.

The Court finds that this important development which goes to the core of the application was withheld from it and no convincing explanation for that omission was provided (see *Şeker*, cited above, §§ 21-22).

In the light of the foregoing, the Court considers that the present application constitutes an abuse of the right of individual application within

the meaning of Article 35 § 3 (a) in fine of the Convention. It must therefore be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 August 2026.

Viktoriya Maradudina Acting Deputy Registrar	Stéphane Pisani President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (lack of reasoning or inadequate reasoning in court decisions)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Subject matter of the domestic proceedings	Key argument the court failed to address	Date of the court decision Name of the court	Other complaints under well-established case-law
26362/20 09/06/2020	**Adil ERCAN** 1957	Gül Mervan Eren Diyarbakır	The application concerns the civil dispute which stemmed from the termination of the applicant's labour contract on suspicion of his affiliation with a terrorist organisation, the PKK, following the 15th of July coup d'état pursuant to Decree Law no. 667. The case lodged by the applicant with the Labour Court for reemployment was dismissed and upheld by the Regional Court of Appeal.	In particular, the applicant stated that he had no affiliation/association with any terrorist organisation. In its reasoning, the Labour Court stated that the applicant had been the subject of criminal investigations for membership of a terrorist organisation in 1993 and 2001. In this regard, it concluded that the trust between the employer and the employee has been broken and the termination of the applicant's labour contract was based on a valid reason and had been in accordance with law. The Labour Court did not mention in its reasoning how the criminal proceedings, which were initiated against the applicant respectively 24 and 16 years before his dismissal and, according to the file, did not result in the conviction of the applicant, could be invoked as a valid reason for his dismissal.	28/12/2017 Diyarbakır 3rd Labour Court 08/11/2018 Gaziantep Regional Court of Appeals 17/12/2019 Constitutional Court	Art. 8 (1) - interference with the right to reputation, and inability to forge and maintain relationship with others in the professional and social sphere The applicant complained that since he has been dismissed with reference to Decree Law no. 667, he will be unable to be employed as a civil servant in the future and that the fact that he has been dismissed with reference Decree Law no. 667, it will be very challenging for him to find a job in the private sector. (see *Pişkin v. Turkey*, no. 33399/18, § 229, 15 December 2020)