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

SECOND SECTION

DECISION

Application no. 8778/10
Can ERDOĞAN against Turkey
and 9 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 5 September 2017 as a Committee composed of:

Ledi Bianku, *President,*
Valeriu Griţco,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having deliberated, decides as follows:

THE FACTS

1. A list of the applicants, who are all Turkish nationals, is set out in the appendix. They were represented before the Court by Mr G. Candoğan, a lawyer practising in Ankara.

2. The Turkish Government ("the Government") were represented by their Agent.

A. The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. At the time of events giving rise to the present applications, the applicants worked as civil servants in Halkbank and Ziraat Bankası, both of which are state-owned banks. Following certain legislative amendments, the authorities started proceedings for the privatisation of Halkbank and Ziraat Bankası, and the applicants were, therefore, assigned to other public institutions.

5. Between 2004 and 2006, the applicants asked to be reinstated and their requests were rejected.

6. On various dates, the applicants initiated proceedings before the administrative courts, which dismissed their cases based on the fact that the applicants had failed to bring their cases within the time-limits provided for by law. The courts held that the applicants should have initiated proceedings within sixty days following the notification of their assignments to other public institutions.

7. Between 2006 and 2009, the Supreme Administrative Court upheld the judgments of the first instance courts. During the appeal proceedings the Chief Public Prosecutor at the Supreme Administrative Court filed his written opinions on the cases without putting forward any new arguments. He simply invited the court to uphold the impugned decisions. The Chief Public Prosecutor's opinions were not communicated to the applicants.

8. In 2009 the Supreme Administrative Court rejected the applicants' rectification requests.

B. Relevant domestic law

9. The description of the relevant domestic law may be found in *Kılıç and Others v.Turkey* ((dec.) no. 33162/10, §§ 10-13, 3 December 2013).

COMPLAINTS

10. The applicants complained under Article 6 § 1 of the Convention that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated their right to an adversarial and fair hearing.

11. Under the same provision, the applicants also complained about the outcome of the administrative proceedings and stated that the proceedings had not been fair.

12. Furthermore, all the applicants, except for Ms Nuray Özden, Ms Ruziye Akbulut and Ms Neşe Çamlıbel, alleged that the Supreme Administrative Court had departed from its previously established practice in their case and in doing so infringed their rights under Article 6 § 1 of the Convention.

THE LAW

13. Given that the applications at hand concern similar facts and complaints and raise identical issues under the Convention, the Court decides to join them in accordance with the Rule 42 § 1 of the Rules of the Court.

A. Non-communication of the Chief Public Prosecutor's written opinion

14. The applicants complained that the non-communication of the Chief Public Prosecutor's written opinions during the appeal proceedings before the Supreme Administrative Court had violated their right to an adversarial and fair hearing. In this respect, they relied on Article 6 § 1 of the Convention.

15. The Court notes that it has already examined the same issue in the case of *Kılıç and Others v.Turkey* ((dec.) no. 33162/10, §§ 19-23, 3 December 2013) and considered that the applicants had not suffered a significant disadvantage. Accordingly, it has declared this complaint inadmissible in accordance with Article 35 § 3 (b) of the Convention.

16. Having in particular regard to the content of the respective written opinions filed by the Chief Public Prosecutor in the proceedings before the Supreme Administrative Court (see paragraph 7 above), the Court finds no particular reasons in the present applications which would require it to depart from its findings in the aforementioned case.

17. In the light of the foregoing, this complaint is inadmissible and must be rejected pursuant to Article 35 §§ 3 (b) and 4 of the Convention.

B. Other complaints

18. The applicants raised further complaints under Article 6 of the Convention.

19. In the light of the material in its possession and in so far as the matters complained of are within its competence, the Court finds that these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

20. It follows that this part of the applications must be declared inadmissible as being manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 28 September 2017.

Hasan Bakırcı	Ledi Bianku
Deputy Registrar	President

APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence
1.	8778/10	07/01/2010	**Can ERDOĞAN** 11/07/1969 Ankara
2.	9390/10	02/02/2010	**İsmail BORAZAN** 30/03/1959 Ankara
3.	9396/10	02/02/2010	**Naci TURGUT** 26/09/1967 Ankara
4.	9402/10	02/02/2010	**Nuray KILIÇ** 01/10/1968 Ankara
5.	9406/10	02/02/2010	**Nuray ÖZDEN** 06/05/1963 Ankara
6.	19809/10	25/02/2010	**Ruziye AKBULUT** 19/08/1964 Eskişehir
7.	19825/10	25/02/2010	**Neşe ÇAMLIBEL** 26/05/1958 İzmir
8.	39596/10	17/05/2010	**Musa KANTEMİR** 01/11/1959 Ankara
9.	43875/10	17/05/2010	**Mustafa YILMAZ** 01/02/1957 Ankara
10.	43877/10	17/05/2010	**Alaittin YILDIRIM** 03/02/1964 Ordu