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

SECOND SECTION

DECISION

Application no. 15534/17
Bedrettin IŞILDAK
against Türkiye

The European Court of Human Rights (Second Section), sitting on 25 March 2025 as a Committee composed of:

Jovan Ilievski*, President*,
Péter Paczolay,
Davor Derenčinović*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 15534/17) 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 24 January 2017 by a Turkish national, Mr Bedrettin Işıldak ("the applicant"), who was born in 1964, lives in Manisa and was represented by Mr F.C. Işıldak, a lawyer practising in Manisa;

the decision to give notice of the complaint concerning Article 6 § 1 of the Convention 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, and to declare inadmissible the remainder of the application;

the parties' observations;

the comments submitted by Volunteer Jurists Association, which was granted leave by the President of the Section to intervene as a third party in the proceedings (Article 36 § 2 of the Convention and Rule 44 § 3 of the Rules of Court);

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The present application concerns the lack of access to a court for the applicant in relation to the premature and allegedly arbitrary termination of

his term of office at the Supreme Administrative Court following the entry into force of Law no. 6723. The applicant complained of a violation of his right of access to a court under Article 6 § 1 of the Convention.

2. At the material time the applicant was an administrative judge, sitting as a member of the Supreme Administrative Court.

3. By Law no. 6723, which entered into force on 23 July 2016, the applicant's term of office at the Supreme Administrative Court was terminated (for the background to the introduction of the Law and its content, see *Sözen v. Türkiye*, no. 73532/16, §§ 5-12, 9 April 2024, and *Olcay and Others v. Türkiye* [Committee], nos. 59481/16 and 29 others, § 3, 11 February 2025).

4. The applicant did not lodge an individual application with the Constitutional Court against the termination of his term of office by Law no. 6723.

THE COURT'S ASSESSMENT

5. The applicant complained under Article 6 § 1 of the Convention that he had been denied access to a court in order to contest the premature and allegedly arbitrary termination of his term of office at the Supreme Administrative Court by the entry into force of Law no. 6723.

6. As for the time-limit for lodging applications, provided for in Article 35 § 1 of the Convention, the Court reiterates that it is a public policy rule and that it must therefore examine the matter of its own motion (see *Sabri Güneş v. Turkey* [GC], no. 27396/06, § 29, 29 June 2012).

7. According to the well-established case-law of the Court, the six-month period, in effect prior to 1 February 2022, starts running on the date of service of a copy of the final domestic decision or, where no effective remedy is available to the applicant, from the date of the acts or measures complained of, or from the date of knowledge of that act or its effect on or prejudice to the applicant (see *Sabri Güneş*, cited above, §§ 53-54). It expires six calendar months later, irrespective of the actual length of those months (see *Sabri Güneş*, cited above, §§ 44, 49 and 59; *Saakashvili v. Georgia* (dec.), nos. 6232/20 and 22394/20, § 49, 1 March 2022; and *Otto v. Germany* (dec.), no. 21425/06, 10 November 2009).

8. The Court notes that it already found in the *Olcay and Others* judgment (cited above, §§ 13-22) that in circumstances identical to those of the present application a complaint to the Constitutional Court had not proven to be an effective remedy at the time when the applicant applied to the Court. It further notes that there was no other effective remedy that the applicant could have used concerning the measure of the termination of his term of office by the provisions of the Law no. 6723.

9. Therefore, in the present application, the six-month time-limit, which was still applicable at the relevant time, began running from the publication

in the Official Gazette of Law no. 6723 on 23 July 2016 and thus expired on 23 January 2017. However, the present application was lodged with the Court on 24 January 2017, that is, after the expiry of the six-month time-limit.

10. In the light of the foregoing, the Court finds that the present application was submitted out of time and must therefore be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 2 May 2025.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President