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

SECOND SECTION

DECISION

Application no. 13554/11
Suna OLGUN
against Turkey

The European Court of Human Rights (Second Section), sitting on 5 September 2017 as a Committee composed of:
Ledi Bianku, *President,*
Paul Lemmens,
Jon Fridrik Kjølbro, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*
Having regard to the above application lodged on 31 December 2010,
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Ms Suna Olgun, is a Turkish national, who was born in 1947 and lives 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, the applicant worked as a civil servant in Ziraat Bankası, a state-owned bank. Following certain legislative amendments, the authorities started proceedings for the privatisation of Ziraat Bankası, and the applicant was, therefore, assigned to another public institution.
5. In 2004 the applicant asked to be reinstated and her request was rejected.

6. Subsequently, the applicant brought proceedings before the Ankara Administrative Court, requesting the annulment of her assignment.

7. On 24 February 2006 the Ankara Administrative Court held that the applicant's assignment had been in accordance with the domestic law and rejected the case.

8. During the subsequent appeal proceedings before the Supreme Administrative Court, the Chief Public Prosecutor delivered a written opinion on the case; without raising any new issue, he invited the court to uphold the impugned decision. This opinion was not notified to the applicant. On 23 October 2007 the Supreme Administrative Court upheld the judgment of the Ankara Administrative Court.

9. The applicant subsequently requested the rectification of the Supreme Administrative Court's decision. Her request was rejected on 12 April 2010.

B. Relevant domestic law

10. 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

11. The applicant 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 violated her right to an adversarial and fair hearing.

12. Under the same provision, the applicant also complained about the outcome of the proceedings and stated that the proceedings had not been fair.

13. Finally, the applicant alleged that the Supreme Administrative Court had departed from its previously established practice in her case and in doing so infringed her rights under Article 6 § 1 of the Convention.

THE LAW

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

14. The applicant complained that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before

the Supreme Administrative Court had violated her right to an adversarial and fair hearing. In this respect, she 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 any 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 written opinion filed by the Chief Public Prosecutor in the proceedings before the Supreme Administrative Court (see paragraph 8 above), the Court finds no particular reasons in the present application 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 applicant 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 application 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,

Declares the application inadmissible.

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

Hasan Bakırcı	Ledi Bianku
Deputy Registrar	President