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

SECOND SECTION

DECISION

Application no. 54578/19
Baran ŞİMŞEK
against Türkiye
(see appended table)

The European Court of Human Rights (Second Section), sitting on 19 June 2025 as a Committee composed of:

Gediminas Sagatys*, President*,
Stéphane Pisani,
Juha Lavapuro*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 4 October 2019,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicant's complaints under Article 6 § 1 of the Convention concerning inadequate reasoning in the domestic courts' decisions with regard to his dismissal from work were communicated to the Turkish Government ("the Government"). Another complaint based on the same facts was also communicated under Article 8 of the Convention.

THE LAW

The Government submitted that the applicant had failed to inform the Court of the fact that he had been reinstated to his position on 1 February 2024 following the fresh proceedings he had lodged before administrative courts. They also submitted that he had been paid pecuniary compensation in accordance with the administrative court's ruling of 1 December 2013. They therefore 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 did not comment.

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). The same applies where important new developments have occurred during the proceedings before the Court and where, despite being expressly required to do so by Rule 47 § 7 of the Rules of Court, the applicant has failed to disclose that information to the Court, thereby preventing it from ruling on the case in full knowledge of the facts (see *Miroļubovs and Others v. Latvia*, no. 798/05, § 63, 15 September 2009, and *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 97, ECHR 2012). Even in such cases, the applicant's intention to mislead the Court must be established with sufficient certainty (see *Centro Europa 7 S.r.l. and Di Stefano*, § 97, and *Gross*, § 28, both cited above).

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 domestic courts when they had dismissed the case. The applicant neither informed the Court of the fresh proceedings he had lodged before administrative courts nor of the fact that he had been reinstated to his position with compensation in salary arrears when his application was pending examination before the Court. 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, *mutatis mutandis, Şeker v. Turkey* ((dec.), no. 30330/19, §§ 21-22, 7 September 2021).

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 10 July 2025.

Viktoriya Maradudina
Acting Deputy Registrar

Gediminas Sagatys
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	Subject matter of the domestic proceedings	Key argument the court failed to address	Date of the court decision Name of the court	Turkish Constitutional Court decision	Other complaints under well-established case-law
54578/19 04/10/2019	**Baran ŞİMŞEK** 1980	The applicant's request for reinstatement to his post following his dismissal on the grounds of suspicion of affiliation with FETÖ/PDY.	The reasons for the applicant's dismissal. Particularly, the applicant's key argument is that he did not have any ties with the 15 July 2016 coup attempt and that he did not have any affiliation with anyone who was behind the coup attempt or anyone who aided or abetted the coup attempt and that the domestic courts did not examine the grounds of the suspicion regarding the applicant's affiliation with FETÖ/PDY. The Labour Court dismissed the case mainly by stating that the applicant was working at Turkish Institute of Scientific and Technical Research (TÜBİTAK), which was a strategic institution, and that TÜBİTAK had the right to terminate the contract of its employees on the basis of their suspicion concerning their employees' affiliation with FETÖ/PDY.	08/02/2017, Ankara 34th Labour Court 09/05/2017, Ankara Court of Appeals 9th Civil Division 09/10/2017, Court of Cassation 22nd Civil Division 04/04/2019, Turkish Constitutional Court	04/04/2019, 2017/39435	Art. 8 (1) - interference with the right to reputation, and inability to forge and maintain relationship with others in the professional and social sphere - (see *Piskin v. Turkey*, no. 33399/18, § 229, 15 December 2020)