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

SECOND SECTION

DECISION

Application no. 39613/19
Ahmet Tulga ULUS
against Türkiye

The European Court of Human Rights (Second Section), sitting on 9 September 2025 as a Committee composed of:

Tim Eicke*, President*,
Jovan Ilievski,
Oddný Mjöll Arnardóttir*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 39613/19) 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 17 July 2019 by a Turkish national, Mr Ahmet Tulga Ulus ("the applicant"), who was born in 1967, lives in Ankara, and was represented by Mr H.T. Ulus, a lawyer practising in Ankara;

the decision to give notice of the complaint concerning the right to respect for private life under Article 8 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 the complaints under Articles 3, 4, 7 and 17 of the Convention inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the cancellation of the applicant's passport following his dismissal from his post as a lecturer at Hacettepe University pursuant to Legislative Decree no. 672 of 1 September 2016.

2. At the material time, the applicant was a lecturer at Hacettepe University.

3. The applicant was dismissed from his post at Hacettepe University in accordance with Article 2 of Legislative Decree no. 672, which entered into force on 1 September 2016. Pursuant to Article 2 § 2 of the Decree, his passport was cancelled on 7 September 2016 and an administrative note was added to his passport record to prevent him from obtaining a new passport.

4. He brought an action in the Administrative Court requesting that the administrative note added to his passport record be removed. On 30 October 2017 the Ankara 11th Administrative Court dismissed the applicant's case. On 17 January 2018 an appeal lodged by the applicant against that decision was rejected by the Ankara Regional Administrative Court.

5. On 28 February 2018 the applicant lodged an individual application with the Constitutional Court. In his individual application form submitted to the Constitutional Court, the applicant claimed that, owing to the administrative note added to his passport record, he had been unable to go to Brussels to give a lecture that he had been invited to give, he had been unable to attend a meeting of the European Society for Cardiovascular and Endovascular Surgery ("ESCVS") in Athens despite being the Associate Secretary and a member of the ESCVS Executive Committee, and he had been unable to attend many international meetings and academic presentations organised abroad. On the basis of those allegations, he complained that his right to freedom of movement under Article 23 of the Turkish Constitution had been violated.

6. On 11 February 2019 the Constitutional Court examined the applicant's complaints under the head of an alleged violation of the freedom of movement and found the complaint to be inadmissible on the grounds of incompatibility *ratione materiae* with the provisions of the Constitution.

7. Before this Court, the applicant submitted that his right to respect for his private and family life under Article 8 of the Convention and his right to freedom of movement under Article 2 of Protocol No. 4 to the Convention had been violated on account of the cancellation of his passport and his inability to obtain a new passport as a result of the administrative note added to his passport record.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 8 of the Convention

8. The Government raised a preliminary objection that the applicant had not raised any complaints concerning the alleged violation of the right to respect for his private and family life under Article 8 of the Convention in his individual application form submitted to the Constitutional Court. They noted that the applicant's complaints in the individual application form related to allegations that his freedom of movement had been restricted, and argued that

his complaint under Article 8 should therefore be declared inadmissible for non-exhaustion of domestic remedies.

9. The applicant did not submit any arguments in that regard.

10. The general principles concerning the exhaustion of domestic remedies have been summarised in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014).

11. The Court reiterates, in particular, that under its case-law it is not always necessary for the Convention to be explicitly raised in domestic proceedings provided that the complaint is raised "at least in substance". This means that an applicant must raise legal arguments to the same or like effect on the basis of domestic law, in order to give the national courts the opportunity to redress the alleged breach. However, as the Court's case-law bears out, to genuinely afford a Contracting State the opportunity to prevent or redress the alleged violation requires taking into account not only the facts but also the applicant's legal arguments for the purposes of determining whether the complaint submitted to the Court has indeed been raised beforehand, in substance, before the domestic authorities. That is because "it would be contrary to the subsidiary character of the Convention machinery if an applicant, ignoring a possible Convention argument, could rely on some other ground before the national authorities for challenging an impugned measure, but then lodge an application before the Court on the basis of the Convention argument" (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 117, 20 March 2018, and *Hanan v. Germany* [GC], no. 4871/16, § 148, 16 February 2021). Therefore, in order to duly exhaust domestic remedies, it is not sufficient that a violation of the Convention is "evident" from the facts of the case or the applicant's submissions. Rather, the applicant must complain that a certain act or omission entailed a violation of the rights set forth in the Convention or the Protocols thereto, in a manner which should leave no doubt that the same complaint that was subsequently submitted to the Court had indeed been raised at the domestic level (see, in the context of exhaustion of domestic remedies, *Farzaliyev v. Azerbaijan*, no. 29620/07, § 55, 28 May 2020, and *Durukan and Birol v. Türkiye*, nos. 14879/20 and 13440/21, § 39, 3 October 2023; and also *Grosam v. the Czech Republic* [GC], no. 19750/13, § 90, 1 June 2023; and *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, § 145, 1 June 2023).

12. In the present case, the Court observes that in his individual application form submitted to the Constitutional Court, the applicant argued that he had been unable to attend professional seminars and international meetings organised abroad on account of the administrative note added to his passport record, and complained of a violation of his right to freedom of movement guaranteed under Article 23 of the Turkish Constitution (see paragraph 5 above). The Constitutional Court examined the applicant's

complaint only within the scope of the right to freedom of movement and found the complaint to be inadmissible as being incompatible *ratione materiae* with the provisions of the Constitution. It did not consider that the applicant had raised, and did not examine, any complaints concerning an alleged violation of the applicant's right to respect for his private life.

13. Therefore, the Court considers that the applicant did not properly raise a complaint under Article 8 of the Convention before the Constitutional Court.

14. It follows that the Government's objection must be upheld and that this complaint must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

B. Alleged violation of Article 2 of Protocol No. 4 to the Convention

15. The applicant complained of a breach of his right to freedom of movement within the meaning of Article 2 of Protocol No. 4 to the Convention on account of the cancellation of his passport and his inability to obtain a new passport.

16. The Court notes that, given that Türkiye has not ratified Protocol No. 4, this complaint is incompatible *ratione personae* with the provisions of the Convention and the Protocols thereto (compare *De Saedeleer v. Belgium*, no. 27535/04, §§ 68-69, 24 July 2007). Accordingly, this complaint must be rejected in accordance with 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 2 October 2025.

Dorothee von Arnim Deputy Registrar	Tim Eicke President