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

SECOND SECTION

DECISION

Application no. 6783/18
Bora UZUN against Türkiye
and 7 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 21 January 2025 as a Committee composed of:

Jovan Ilievski, *President*,
Anja Seibert-Fohr,
Stéphane Pisani, *judges*,
and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the applications 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") by the applicants listed in the appended table ("the applicants"), on the various dates indicated therein;

the decision to give notice of the applications 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;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applications concern the non-enforcement of domestic courts' judgments.

2. On an unspecified date before 1991, the Middle East Technical University seized land owned by the applicants without conducting a formal expropriation procedure.

3. The applicants lodged various actions with the Ankara Civil Court of First Instance requesting compensation for the seizure of their land.

4. In several judgments rendered in 2010, the Ankara Civil Court of First Instance allowed the applicants' actions and awarded them various

amounts of compensation depending on the value of their respective plots of land.

5. On various dates, following the Ankara Civil Court's judgments the applicants applied to the Execution Office for the enforcement of the judgments. On various dates between 2013 and 2019, partial payments were made by the Middle East Technical University in the context of the enforcement procedures.

6. In 2014 on various dates the applicants applied separately to the Constitutional Court complaining that the non-enforcement of the Civil Court's judgments in their favour constituted an unjustified interference with their right to peaceful enjoyment of their possessions and that there was no effective remedy by which they could enforce the judgment concerned against the university.

7. On 7 June 2017 the Constitutional Court held that there had been a violation of the applicants' right to a fair trial and their right to peaceful enjoyment of their possessions and awarded each of them certain amounts of compensation for non-pecuniary damage which was to be paid within four months following the applicants' application to the Ministry of Finance. It also sent a copy of its judgment to the Middle East Technical University in order to ensure the payment of its debts. However, the judgments concerned have not yet been fully enforced.

8. The Court was informed by the Government in their observations that on various dates both prior to and following their applications to the Court the applicants had assigned various parts of their claims at issue in the present case, covering up to 99% of the value of the claim in the case of one of the applicants, to third parties.

9. The applicants complained under Article 6 § 1 of the Convention that their right of access to court had been breached and under Article 1 of Protocol No. 1 to the Convention that their right to peaceful enjoyment of their possessions had been violated due to the non-enforcement of the Civil Court's judgments in their favour.

THE COURT'S ASSESSMENT

10. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

11. The Government argued that the applications should be rejected for abuse of the right of application under Article 35 § 3 (a) of the Convention. They submitted that the applicants had transferred various parts of their claims originating from the Ankara Civil Court of First Instance's judgments to third parties which extinguished their claims for the assigned amount, without informing the Court.

12. The applicants conceded that they had assigned various parts of their claims to third parties. They argued, however, that they had merely assigned their right to claim the enforcement of the judgments concerned as part of the domestic enforcement proceedings within a contractual relationship, with no

effect on third parties. The applicants further argued that they had not withheld any information about the assignment from the Court, as they had indicated, in their application forms to the Court, a reduced surface of their plots of land, taking into account the value of the claims they retained after assigning part of these claims to third parties.

13. The Government argued, in turn, that by partially assigning their claims to third parties, the applicants had ceased to be creditors for the assigned part of their claims, with this effect extending not only to their contractual relationship with the assignees but also to third parties including in the enforcement proceedings. The Government submitted Court of Cassation judgments supporting this interpretation of the domestic law.

14. The Court recalls that an application may be rejected as abusive under Article 35 § 3 (a) of the Convention if, among other reasons, it was knowingly based on untrue facts and false declarations (see *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, § 97, ECHR 2012; *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014; *Povilonis v. Lithuania* (dec.), no. 81624/17, § 90, 15 March 2022; and *Zolotyy Mandaryn Oyl, TOV v. Ukraine* (dec.), no. 63403/13, § 26, 9 July 2024). The submission of incomplete and thus misleading information may also amount to an abuse of the right of 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 *Hüttner v. Germany* (dec.), no. 23130/04, 19 June 2006; *Kowal v. Poland* (dec.), no. 2912/11, 18 September 2012; *Gross*, cited above, § 28; and *Zolotyy Mandaryn Oyl, TOV*, ibid.). The same applies if 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 (*Gross*, ibid.). However, even in such cases, the applicant's intention to mislead the Court must always be established with sufficient certainty (*Gross*, ibid., and *Povilonis*, ibid.).

15. The Court notes that the present applications concern the non-enforcement of certain claims, and that the question of who is the creditor of these claims, whether in full or in part, is a critical fact in this case. However, the Court also observes that the applicants chose not to disclose this relevant information in their applications. Instead of explicitly indicating that, and to what extent, they had assigned their claims to third parties, the applicants chose to indicate the surface of the expropriated plots of land that they considered corresponding to the remaining part of their claims, without mentioning that they had assigned the remainder of the claims to third parties and without clarifying that and why they had indicated a reduced surface of the land. It could not reasonably be expected that the Court would infer from the mere reference to the surface of a plot of land expressed in square metres that the applicants had assigned part of their claims at issue in the present case. On the contrary, in view of the fact that the applicants were no longer the owners of the expropriated land, the reference to the surface area of the

land instead of the value of their claims, without further explanation, constituted incomplete and thus misleading information.

16. The applicants failed to disclose either the existence of any assignments or their lack of standing to claim the entire amounts awarded by the domestic courts, which, even if only partially assigned, could reach up to 99%. They also failed to advance plausible explanations as regards their failure to submit this information (contrast G.I.E.M. S.R.L. and Others v. Italy [GC], nos. 1828/06 and 2 others, § 173, 28 June 2018). The information which the applicants failed to disclose concerned a core aspect of the application and was material to the just satisfaction question. In such circumstances, the Court is bound to conclude that the applicants knowingly withheld important information with an intention to mislead the Court, thereby abusing their right to individual application (compare *Zolotyy Mandaryn Oyl, TOV*, cited above, §§ 28-29; and contrast *Al-Nashif v. Bulgaria*, no. 50963/99, § 89, 20 June 2002; *Zličić v. Serbia*, nos. 73313/17 and 20143/19, §§ 55-56, 26 January 2021; and *G.I.E.M. S.R.L. and Others*, cited above, § 174).

17. Accordingly, the Government's preliminary objection must be upheld, and the applications must be declared inadmissible 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 13 February 2025.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	6783/18	Uzun v. Türkiye	29/01/2018	**Bora UZUN** 1975 Istanbul Turkish	Hüseyin ALTAŞ
2.	6787/18	Uzun v. Türkiye	29/01/2018	**Bahar UZUN** 1947 Istanbul Turkish	Hüseyin ALTAŞ
3.	6791/18	Uzun v. Türkiye	29/01/2018	**Sümer UZUN** 1942 Istanbul Turkish	Hüseyin ALTAŞ
4.	6793/18	Çakır v. Türkiye	29/01/2018	**Mustafa Cenk ÇAKIR** 1966 Istanbul Turkish	Hüseyin ALTAŞ
5.	6795/18	Çakır v. Türkiye	29/01/2018	**Seçkin Filiz ÇAKIR** 1942 Istanbul Turkish	Hüseyin ALTAŞ
6.	6796/18	Çakır v. Türkiye	29/01/2018	**Elif Burcu ÇAKIR** 1975 Istanbul Turkish	Hüseyin ALTAŞ
7.	6799/18	Çakır v. Türkiye	29/01/2018	**Burhan ÇAKIR** 1973 Istanbul Turkish	Hüseyin ALTAŞ
8.	6800/18	Çakır v. Türkiye	29/01/2018	**Nahide Güngör ÇAKIR** 1936 Istanbul Turkish	Hüseyin ALTAŞ