



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

SECOND SECTION

CASE OF KÖSE v. TÜRKİYE

(Application no. 54253/22)

JUDGMENT

STRASBOURG

22 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Köse v. Türkiye,

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

Stéphane Pisani, *President*,

Juha Lavapuro,

Hugh Mercer, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 1 October 2026,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 17 October 2022.

2. The Turkish Government (“the Government”) were given notice of the application.

THE FACTS

3. The applicant’s details and information relevant to the application are set out in the appended table.

4. The applicant, who is a judge, complained of the lack of access to a court with regard to two separate decisions by the Council of Judges and Prosecutors (CJP).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

5. The applicant complained of the lack of access to a court in respect of a decision of the CJP of 1 June 2022 dismissing his objection against the disciplinary sanction of a “warning” imposed on him for failure to comply with working hours. He relied on Article 6 § 1 of the Convention.

6. The Court reiterates that civil servants can only be excluded from the protection embodied in Article 6 if the State in its national law excluded access to a court for the category of staff in question and if this exclusion was justified on objective grounds in the State’s interest (see *Grzęda v. Poland* [GC], no. 43572/18, § 261, 15 March 2022). The Court concluded in *Bilgen v. Turkey* (no. 1571/07, §§ 76-81, 9 March 2021) that Article 6 was applicable to the decision of the CJP to transfer the applicant judge to another court in a lower-ranking judicial district against his will, as the second condition laid down in *Vilho Eskelinen and Others v. Finland* ([GC], no. 63235/00, ECHR 2007-II) was not met. The Court came to the same conclusion in

Eminağaoğlu v. Turkey (no. 76521/12, § 125, 9 March 2021), regarding the disciplinary sanction imposed by the CJP on the applicant prosecutor. Likewise, in the case of *Oktay Alkan v. Türkiye*, (no. 24492/21, § 58, 20 June 2023), the Court found Article 6 to be applicable to the CJP's decision not to confirm the appointment of a judicial candidate into office despite him having met the statutory eligibility requirements.

7. In the light of the guarantees for safeguarding the independence of the judiciary, the Court found that it would not be justified to exclude members of the judiciary, or judicial candidates, from the protection of Article 6 of the Convention in matters concerning their appointment and the conditions of their employment on the basis of the special bond of loyalty and trust to the State. In reaching that finding, the Court stated that, while the employment relationship between a civil servant and the State can traditionally be defined as one based on trust and loyalty to the executive branch in so far as employees of the State are required to implement government policies, the same does not hold true for the members of the judiciary, who play a different and more independent role because of their duty to provide checks on government wrongdoing and abuse of power (see, *Bilgen*, § 79; *Eminağaoğlu* § 76, and *Oktay Alkan*, §§ 57-58, all cited above). It therefore found a violation of Article 6 § 1 in respect of the absence of judicial review of the CJP's decisions in those applicants' cases.

8. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the merits of the present complaint. It notes that, taking into account the strong public interest in upholding the independence of the judiciary and the rule of law, the impugned absence of a judicial review of the decisions of the CJP in the present applicant's case did not pursue any legitimate aim and that, accordingly, the very essence of the applicant's right of access to a court was impaired.

9. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

II. REMAINING COMPLAINT

10. The applicant further complained of the CJP's a decision of 19 June 2022 rejecting his request to be transferred to another court for family reasons. This complaint has to be distinguished from the situations concerning non-consensual transfers (see *Bilgen*, cited above), disciplinary sanctions (see *Eminağaoğlu*, cited above) imposed on judicial members by the CJP or a right to hold judicial office on a particular court of law (*Baka v. Hungary* [GC], no. 20261/12, § 107, 23 June 2016).

11. The domestic law did not confer on the applicant a "right to a geographical guarantee" or a right to be appointed to the location of his choice (see, *Bilgen*, cited above, §§ 56-57). It therefore follows that the complaint

concerning the refusal of the applicant's transfer request falls outside the scope of Article 6 § 1 of the Convention and is therefore incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a), and must be declared inadmissible in accordance with Article 35 § 4.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Gülcü and Others v. Türkiye* [Committee], nos. 37013/15 and 42 others, § 27-28, 23 April 2024), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the lack of access to a court with regard to the decision of 1 June 2022 by the Council of Judges and Prosecutors (CJP) admissible and the remainder of the application inadmissible;
2. *Holds* that this complaint discloses a breach of Article 6 § 1 of the Convention concerning the lack of access to a court with regard to decisions by the CJP;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 22 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Stéphane Pisani
President

KÖSE v. TÜRKİYE JUDGMENT

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(lack of access to a court with regard to decisions by the Council of Judges and Prosecutors (CJP))

Application no. Date of introduction	Applicant's name Year of birth	Date of the CJP decision that was not amenable to judicial review	Date of notification of the decision	Subject matter of the CJP's decision	Amount awarded for non-pecuniary damage per applicant (in euros) ¹
54253/22 17/10/2022	Ender KÖSE 1973	(i) 01/06/2022 (in relation to the disciplinary sanction)	(i) 21/06/2022	disciplinary sanction	2,000

¹ Plus any tax that may be chargeable to the applicant.