

Turkish Constitutional Court: Reasoned Decisions Must Include Accurate and Complete Information about Appeal Rights

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The Turkish Constitutional Court recently held that Courts must indicate the right to appeal in reasoned decisions, including an accurate validity period. A Commercial Court incorrectly indicated the appeal time as fifteen days, rather than ten days. The Supreme Court subsequently rejected an appeal on the basis that more than ten day has elapsed. The Constitutional Court held that the applicant's right to access the Court were violated and sent the appeal back to the local court for retrial.

In general, the time available for appeal is fifteen days from receipt of the relevant decision. However, decisions related to administration of bankruptcy's decisions are an exception, where the time period becomes ten days (Article 164(2), Enforcement and Bankruptcy Law).

In this case, the Commercial Court failed to indicate the time for appeal in its short decision, then indicated an inaccurate time in its later reasoned decision (incorrectly stating 15 days, rather than ten).

The Constitutional Court held that the applicant's right to access courts was violated and the matter should be sent back to the lower court for retrial. The Constitutional Court noted:

- Courts must indicate the right to appeal and its validity period accurately in decisions.
- It is rational and acceptable for applicants to trust the appeal period indicated in the Court's decision.
- Strict interpretation of the complicated and disorderly legislation which regulates appeal terms can violate the right to access courts.
- Given the obligation to accurately indicate the right to appeal and validity period, then subsequent strict approach by the Supreme Court, the applicant's appeal request was unjustly rejected.

The Constitutional Court's decision (dated 9 June 2016, with application number 2014/819 was published in Official Gazette number 29757 on 29 June 2016. Please see this [link](#) for the full text of the Constitutional Court's decision (only available in Turkish).

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