

Turkish Constitutional Court: Unreasoned Interim Decisions Refusing Confidentiality Request Constitutes a Violation of Right to Privacy

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The Turkish Constitutional Court recently considered an individual's request for confidentiality within a malpractice case. It ruled that a fair balance must be struck between the public interest in conducting open proceedings and protecting an individual's right to privacy. The Constitutional Court ruled that the lower court, which rejected the individual's request for confidentiality in an unreasoned interim decision, had not stated sufficient justification regarding the balance between these interests.

The Constitutional Court ruled that the pre-requirement to exhaust all legal remedies before filing an individual application had been met under the circumstances. It ruled that the appeal procedure which must be applied for with the final provision could not provide a satisfactory and effective solution to the applicant's complaint.

The Constitutional Court also ruled that the civil judge had violated the applicant's right to receive a trial within a reasonable time by abstaining from making a decision for around seven years, while waiting for the criminal court's decision.

Please see this [link](#) for the full text of the Constitutional Court decision dated 25 October 2017 and numbered 2014/1489 which was published in the Official Gazette number 30242 on 16 November 2017 (only available in Turkish).

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