



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

SECOND SECTION

CASE OF ZAMAN v. TURKEY

(Application no. 17839/07)

JUDGMENT

STRASBOURG

25 January 2011

FINAL

25/04/2011

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Zaman v. Turkey,

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

Françoise Tulkens, *President*,

Ireneu Cabral Barreto,

Danutė Jočienė,

Dragoljub Popović,

Işıl Karakaş,

Kristina Pardalos,

Guido Raimondi, *judges*,

and Stanley Naismith, *Section Registrar*,

Having deliberated in private on 4 January 2011,

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

PROCEDURE

1. The case originated in an application (no. 17839/07) against the Republic of Turkey lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Turkish national, Mr Şenol Zaman (“the applicant”), on 18 April 2007.

2. The Turkish Government (“the Government”) were represented by their Agent.

3. On 27 August 2009 the President of the Second Section decided to give notice of the application to the Government. It was also decided to rule on the admissibility and merits of the application at the same time (former Article 29 § 3).

THE FACTS**THE CIRCUMSTANCES OF THE CASE**

4. The applicant was born in 1960 and lives in Ankara.

5. On 21 April 1998 he lodged a case with the Ankara Administrative Court for annulment of a decision to reject his dissertation.

6. On 29 September 2004 the court dismissed the applicant's request.

7. On 2 December 2005 the Supreme Administrative Court upheld the judgment of 29 September 2004.

8. On 2 October 2006 the Supreme Administrative Court dismissed a request by the applicant for rectification of the judgment.

9. On 7 November 2006 the applicant was notified of the decision dated 2 October 2006.

THE LAW

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

10. The applicant complained that the length of the proceedings had been incompatible with the “reasonable time” requirement, laid down in Article 6 § 1 of the Convention. The Government contested that argument.

11. The period to be taken into consideration began on 21 April 1998 when the applicant lodged a case with the Ankara Administrative Court and ended on 2 October 2006 when the Supreme Administrative Court dismissed the request for rectification of the judgment. It thus lasted eight years and five months before two levels of jurisdiction.

12. The Government put forward various preliminary objections concerning non-exhaustion of domestic remedies and asked the Court to dismiss the complaint under Article 6 § 1 of the Convention, as required by Article 35 § 1 of the Convention.

13. The Court notes that it has already examined similar submissions made by the respondent Government in *Daneshpayeh v. Turkey* (no. 21086/04, §§ 35-38, 16 July 2009). The Government have not submitted any arguments which could lead the Court to reach a different conclusion in the instant case. Consequently, the Court rejects the Government's preliminary objections as to the exhaustion of domestic remedies.

14. The Government further argued that the applicant had failed to comply with the six month rule under Article 35 § 1 of the Convention.

15. The Court observes that in the present case the final decision was notified to the applicant on 7 November 2006 and the application was introduced on 18 April 2007 i.e. within six months following the notification of the decision of 2 October 2006. The applicant must therefore be considered to have complied with the six-month rule provided under Article 35 § 1 of the Convention. The Government's objection must therefore be rejected.

16. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

17. As regards the merits, the Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances

of the case and with reference to the following criteria: the complexity of the case and the conduct of the applicant and of the relevant authorities (*Daneshpayeh*, cited above, § 26).

18. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (*Daneshpayeh*, cited above).

19. Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.

There has accordingly been a breach of Article 6 § 1.

II. OTHER ALLEGED VIOLATION OF THE CONVENTION

20. Without relying on any particular Article of the Convention, the applicant complained that he was denied his right to education on account of the administration's decision and the outcome of the judicial proceedings.

21. In the light of all the material in its possession, the Court finds that the above submissions by the applicant do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that these complaints must be declared inadmissible as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

23. The applicant did not submit a claim for just satisfaction. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaint concerning the excessive length of the proceedings admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention.

Done in English, and notified in writing on 25 January 2011, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Françoise Tulkens
President