



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

SECOND SECTION

CASE OF SABRİ TAŞ v. TURKEY

(Application no. 21179/02)

JUDGMENT
(Revision)

STRASBOURG

25 April 2006

FINAL

25/07/2006

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Sabri Taş v. Turkey (request for revision of the judgment of 20 September 2005),

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

Mr J.-P. COSTA, *President*,

Mr A.B. BAKA,

Mr R. TÜRMEŖ,

Mr M. UGREKHELIDZE,

Mrs E. FURA-SANDSTRÖM,

Ms D. JOČIENĖ,

Mr D. POPOVIĆ, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 4 April 2006,

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

PROCEDURE

1. The case originated in an application (no. 21179/02) 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 Mr Sabri Taş, on 15 May 2002.

2. In a judgment delivered on 20 September 2005, the Court held that there had been a violation of Article 6 § 1 of the Convention on account of the length of the criminal proceedings and of Article 5 § 3 on account of the length of the detention on remand. The Court also decided to dismiss the applicant’s claims for just satisfaction as he had not submitted them within the specified time-limit.

3. On 22 September 2005 the applicant’s lawyer informed the Court that the applicant had never actually been requested to submit his just satisfaction claims. In this context, he requested a revision or rectification of the judgment as regards the non-allocation of sums under Article 41 of the Convention.

4. On 8 November 2005 the Court decided to grant the request for revision under Rule 80 § 4 of the Rules of Court and communicate it to the Government, while inviting the applicant to submit his just satisfaction claims within three weeks. Those observations were received on 14 November 2005 and 4 January 2006 respectively.

THE LAW

THE ORIGINAL JUDGMENT OF THE COURT

5. The Court's judgment of 20 September 2005 recorded the applicant's submissions as regards the damages, costs and expenses as follows:

"35. On 8 July 2004 the applicant was requested to submit his claims for just satisfaction. He did not submit any such claims within the specified time-limit. Accordingly, the Court considers that there is no call to award him any sum on that account."

THE REQUEST FOR REVISION

6. On 22 September 2005 the applicant's lawyer requested a revision or rectification of the judgment of 20 September 2005 because of the non-allocation of sums under Article 41 of the Convention. On 14 November 2005 he submitted the applicant's claims for just satisfaction. He claimed 23,520 New Turkish Liras (YTL), equivalent to 14,709 euros (EUR), in respect of pecuniary damage, and YTL 30,000 (EUR 18,761) in respect of non-pecuniary damage. He finally claimed YTL 8,523 (EUR 5,330) as costs and expenses.

7. In their observations of 4 January 2006 the Government did not address the issue of the applicant's request for revision. However, they contested the applicant's claims for just satisfaction.

8. The Court finds that the applicant's arguments do not relate to a clerical error, an error in calculation or an obvious mistake within the meaning of Rule 81 of the Rules of Court.

9. The Court further notes that its reading of the applicant's submissions had a decisive influence on the outcome of the judgment within the meaning of Rule 80 of the Rules of Court, namely the non-allocation of sums under Article 41 of the Convention.

10. It accordingly decides that the judgment of 20 September 2005 should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

"A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment...."

11. Having regard to the parties' submissions of 14 November 2005 and 4 January 2006, the Court now awards the applicant the sum of EUR 8,000 for non-pecuniary damages and EUR 2,500 for costs and expenses.

12. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to revise its judgment of 20 September 2005 as regards the non-allocation of sums under Article 41 of the Convention;

accordingly,

Holds

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, together with any tax that may be applicable, to be converted into New Turkish Liras at the rate applicable on the date of settlement:

(i) EUR 8,000 (eight thousand euros) in respect of non-pecuniary damage;

(ii) EUR 2,500 (two thousand five hundred euros) in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

Dismisses the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 25 April 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

J.-P. COSTA
President