



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

SECOND SECTION

CASE OF MEHMET KOÇ v. TURKEY

(Application no. 36686/07)

JUDGMENT

STRASBOURG

17 February 2009

FINAL

06/07/2009

This judgment may be subject to editorial revision.

In the case of Mehmet Koç v. Turkey,

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

Françoise Tulkens, *President*,

Ireneu Cabral Barreto,

Vladimiro Zagrebelsky,

Danutė Jočienė,

András Sajó,

Nona Tsotsoria,

Işıl Karakaş, *judges*,

and Sally Dollé, *Section Registrar*,

Having deliberated in private on 27 January 2009,

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

PROCEDURE

1. The case originated in an application (no. 36686/07) 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 Mehmet Koç (“the applicant”), on 27 July 2007. The applicant was represented by Ms F. Danış, a lawyer practising in Diyarbakır. The Turkish Government (“the Government”) were represented by their Agent.

2. On 26 February 2008 the Court declared the application partly inadmissible and decided to communicate to the Government the complaint concerning the length of the criminal proceedings. It also decided to rule on the admissibility and merits of the application at the same time (Article 29 § 3). On 21 October 2008 the President of the Second Section refused to include in the case file the applicant’s just satisfaction claims, which were filed outside the time-limit (Rule 38 § 1).

THE FACTS

3. The applicant was born in 1979 and lives in Diyarbakır. On 27 April 1999 he was arrested. On 24 May 1999 the public prosecutor filed a bill of indictment, charging him under Article 125 of the former Criminal Code. On 13 December 2002 the Diyarbakır State Security Court convicted the applicant as charged. On 7 October 2003 the Court of Cassation quashed that decision. Following the abolition of the State Security Courts in 2004, the Diyarbakır Assize Court took over the case and on 19 April 2007

convicted the applicant. The applicant appealed. On 12 December 2007 the Court of Cassation upheld the judgment.

THE LAW

4. The applicant complained that the length of the criminal proceedings in his case had been incompatible with the “reasonable time” requirement laid down in Article 6 § 1 of the Convention. The Government rejected that claim.

5. The Court observes that the criminal proceedings against the applicant began on 27 April 1999 when he was arrested, and ended on 12 December 2007 when the Court of Cassation upheld his conviction. They thus lasted some eight years and seven months for two levels of jurisdiction.

6. The Court notes that this complaint is neither manifestly ill-founded within the meaning of Article 35 § 3 of the Convention nor inadmissible on any other grounds. It must therefore be declared admissible.

7. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case (see, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II). Having regard to the total length of the proceedings before the trial court in the present case, the Court is not convinced that these proceedings were conducted within a reasonable time. In the light of the foregoing, the Court holds that there has been a violation of Article 6 § 1 of the Convention.

8. As to just satisfaction, the Court makes no award as the applicant failed to submit his claim for damages within the time allotted to him (see *Taner v. Turkey*, no. 38414/02, § 35, 15 February 2007).

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the remainder of the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Dismisses* the applicant’s claim for just satisfaction.

Done in English, and notified in writing on 17 February 2009, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sally Dollé
Registrar

Françoise Tulkens
President