



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

1959 · 50 · 2009

SECOND SECTION

CASE OF CEYRAN v. TURKEY

(Application no. 17534/03)

JUDGMENT

STRASBOURG

13 October 2009

FINAL

13/01/2010

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 Ceyran v. Turkey,

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

Françoise Tulkens, *President*,

Ireneu Cabral Barreto,

Danutė Jočienė,

András Sajó,

Nona Tsotsoria,

Işıl Karakaş,

Kristina Pardalos, *judges*,

and Françoise Elens-Passos, *Deputy Section Registrar*,

Having deliberated in private on 22 September 2009,

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

PROCEDURE

1. The case originated in an application (no. 17534/03) 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 Süleyman Ceyran (“the applicant”), on 15 April 2003. The applicant was represented by Mr F. Babaoğlu, a lawyer practising in Ankara. The Turkish Government (“the Government”) were represented by their Agent.

2. On 19 June 2007 the Court declared the application partly inadmissible and decided to communicate the complaint concerning the length of the proceedings relating to a bill of indictment dated 26 September 2001. It also decided to rule on the admissibility and merits of the application at the same time (Article 29 § 3).

THE FACTS

THE CIRCUMSTANCES OF THE CASE

3. The applicant was born in 1952 and lives in Switzerland.

4. On 26 September 2001 the public prosecutor at the Erzurum State Security Court filed a bill of indictment with the Erzurum State Security Court against the applicant on the charge of membership of an illegal organisation, the *Dev-Yol* (Revolutionary Way), for certain offences allegedly committed in 1981 or before.

5. On 15 August 2003 the Erzurum State Security Court issued a decision of lack of jurisdiction (*görevsizlik kararı*), pursuant to provisional Article 1 of Law no. 2845, which limited the jurisdiction of State Security Courts to offences committed after 1 May 1984. The case was thus referred to the Sivas Assize Court.

6. On 11 November 2004 the Second Chamber of the Sivas Assize Court acquitted the applicant of the charges against him. The applicant did not attend any of the hearings before the Sivas Assize Court as he lived in Switzerland at the material time.

7. On 19 November 2004 the judgment of 11 November 2004 became final since it was not appealed by the parties.

THE LAW

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

8. The applicant complained that the length of the criminal proceedings against him had been incompatible with the “reasonable time” requirement, laid down in Article 6 § 1 of the Convention.

9. The Government contested that argument. They did not provide any observations in relation to the period of time when the case was pending before the Erzurum State Security Court prior to its decision of non-jurisdiction. As for the proceedings before the Sivas Assize Court, they stated that only eight hearings had been held before this court, with intervals of approximately one month. They further argued that the applicant had contributed to the length of the proceedings in question since he had failed to attend the hearings.

10. The period to be taken into consideration began on 26 September 2001, when the bill of indictment was filed against the applicant with the Erzurum State Security Court, and ended on 19 November 2004, when the judgment of the Sivas Assize Court acquitting the applicant became final. It thus lasted three years, one month and twenty-four days for one level of jurisdiction.

A. Admissibility

11. 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.

B. Merits

12. 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, the conduct of the applicant and the relevant authorities (see, among many other authorities, *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II)

13. Although the overall length of the proceedings does not appear to be excessive *per se*, the Court notes that it took the Erzurum State Security Court almost two years to decide that it lacked jurisdiction to hear the case, which appears to be an obvious conclusion in the light of the clear provisions of Law no. 2845. The Court further notes that the Government failed to provide any explanation to justify the delay encountered at the Erzurum State Security Court, nor did they submit any documents in relation to the proceedings before this court. The Court particularly notes in this regard that the fact that the applicant had been absent from the hearings had no bearing on the decision of the Erzurum State Security Court, whose decision of lack of jurisdiction involved a purely technical matter. The Court, therefore, cannot but conclude that the authorities failed to deal with the case diligently, particularly in relation to the period of time when the case was pending before the Erzurum State Security Court, and caused a substantial delay (see, among others, *Obluk v. Slovakia*, no. 69484/01, §§ 73-77, 20 June 2006).

14. In these circumstances, and 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. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. 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 remainder of the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention.

Done in English, and notified in writing on 13 October 2009, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Françoise Elens-Passos
Deputy Registrar

Françoise Tulkens
President