



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

SECOND SECTION

DECISION

Application no. 3470/09
Mustafa AYDIN and others against Turkey
and 6 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on
3 September 2013 as a Committee composed of:

Peer Lorenzen, *President*,

András Sajó,

Nebojša Vučinić, *judges*,

and Atilla Nalbant, *Acting Deputy Section Registrar*,

Having regard to the above applications, indicated in the Appendix,

Having deliberated, decides as follows:

THE FACTS

A list of the applicants is set out in the appendix. Additionally, the case
and decision numbers of the impugned proceedings appear in the Appendix.

A. The circumstances of the case

The facts of the case, as submitted by the applicants, may be summarised
as follows.

On various dates, the applicants initiated actions before various civil
courts or civil proceedings were brought against them before the civil
courts. Certain procedures lasted several years, however some proceedings
are still pending before the domestic courts.

B. Relevant domestic law

A description of the relevant domestic law may be found in *Müdür Turgut and Others* ((dec.), no. 4860/09, §§ 19-26, 26 March 2013).

COMPLAINTS

The applicants complained under Article 6 § 1 of the Convention that the proceedings before the national courts had not been concluded within a reasonable time.

Certain applicants also alleged violations of Article 1 of Protocol no. 1 to the Convention, the amounts awarded to them lost their value due to the length of the proceedings.

THE LAW

I. JOINDER OF THE APPLICATIONS

The Court first considers that in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given the similarity of the facts and of the legal issues raised.

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

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, which reads as follows:

“In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by a ... tribunal...”

The Court observes that the applicants asserted that the length of the proceedings had been incompatible with the principle of the “reasonable time” requirement in accordance with Article 6 § 1 of the Convention. The Court found in *Müdür Turgut and Others* ((dec.), cited above, §§ 58 and 60) that the Compensation Commission established by Law no. 6384, insofar as it is, *a priori*, accessible and capable of offering a reasonable prospect of redress for complaints concerning the length of proceedings. Accordingly, the applicants should avail themselves of the new remedy offered by Law no. 6384.

It follows that these complaints must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

III. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION

Having carefully examined certain applicants' complaints in the light of all the material in its possession, and in so far as the matter complained of is within its competence, the Court finds that it does not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that these parts of the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications;

Declares the applications inadmissible.

Atilla Nalbant
Acting Deputy Registrar

Peer Lorenzen
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
1.	3470/09	29/12/2008	Mustafa AYDIN 01/01/1939 Diyarbakır Naciye AYDIN 16/04/1941 Diyarbakır Şemseddin AYDIN 01/07/1933 Diyarbakır	Mehmet Arif ALTUNKALEM	Bismil Cadastral Court, E: 1974/10, K: 2008/22
2.	30732/11	10/03/2011	Hezar BİNGÖL 01/01/1936 Diyarbakır	Mehmet Arif ALTUNKALEM	Eğil Cadastral Court, E: 2005/1
3.	37455/11	12/05/2011	Ayten KIZILGÜL 05/05/1937 Diyarbakır Hatice SÖNMEZ 03/12/1950 Diyarbakır Songül YILMAZ 01/06/1963 Diyarbakır	Mehmet Arif ALTUNKALEM	Diyarbakır Cadastral Court, E: 1983/1

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Gülperi AYDIN 10/01/1948 Diyarbakır Necla IŞIK 27/09/1953 Diyarbakır Şaban ATAMAN 03/06/1970 Diyarbakır Selim ATAMAN 06/06/1948 Diyarbakır Gülnaz ATAMAN 05/12/1950 Diyarbakır Şadiye GÜÇLÜ 10/12/1966 Diyarbakır Recep ATAMAN 15/01/1961 Diyarbakır Şeyh Davut TATARĞAN 01/01/1959 Diyarbakır		

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Çiğdem TATARĞAN 01/01/1968 Diyarbakır Remzi TATARĞAN 01/01/1965 Diyarbakır Mehmet TATARĞAN 11/09/1972 Diyarbakır İbrahim Halil TATARĞAN 01/01/1962 Diyarbakır İsmail ATAMAN 06/01/1947 Diyarbakır Ayten GENÇ 01/01/1954 Diyarbakır		
4.	51516/11	06/05/2011	Basri ÇİFTÇİ 14/03/1946 Diyarbakır	Mehmet Arif ALTUNKALEM	Diyarbakır Cadastral Court, E: 1983/1
5.	51517/11	06/05/2011	Şeyhmus AYDIN 02/07/1967 Diyarbakır Hatun YALÇIN 01/12/1929 Diyarbakır	Mehmet Arif ALTUNKALEM	Diyarbakır Cadastral Court, E: 1983/1

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Hanım YANLIŞ 02/11/1930 Diyarbakır Saliha USUN 21/05/1935 Diyarbakır Belkisa KIZILER 01/01/1948 Diyarbakır Aliye DAYAN 03/02/1951 Diyarbakır Şükrü AYDIN 02/07/1963 Diyarbakır Ferfur DERİNCE 06/03/1932 Diyarbakır Şaile GÜZELGÜL 13/03/1928 Diyarbakır		
6.	51518/11	06/05/2011	Ayşan ÇİFTÇİ 01/01/1930 Diyarbakır Hasan ALTINBAĞ 10/10/1956 Diyarbakır	Mehmet Arif ALTUNKALEM	Diyarbakır Cadastral Court, E: 1983/1

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Mehmet ÇİFTÇİ 30/09/1962 Diyarbakır Azize KAPLANER 10/10/1964 Diyarbakır Revşete ÇİFTÇİ 01/01/1966 Diyarbakır Kadri ÇİFTÇİ 07/02/1971 Diyarbakır Naif ÇİFTÇİ 07/02/1974 Diyarbakır Zeynep FİDANBOY 07/02/1977 Diyarbakır		
7.	62711/12	04/06/2012	Sultan KOYUNCU 03/01/1952 Diyarbakır Sultanzade ÇETİN 01/01/1951 Diyarbakır	Mehmet Arif ALTUNKALEM	Diyarbakır Cadastral Court, E: 2996/4

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Mesudiye AKTAŞ 04/10/1955 Diyarbakır İbrahim Halil KOYUNCU 26/03/1970 Diyarbakır Mehmet Sait KOYUNCU 26/03/1971 Diyarbakır Fatma KOYUNCU 26/03/1973 Diyarbakır Mehmet KOYUNCU 24/03/1976 Diyarbakır Zeynep KOYUNCU 24/03/1978 Diyarbakır Remziye KOYUNCU 26/03/1981 Diyarbakır KOYUNCU Ahmet 01/04/1982 Diyarbakır		

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Ayşe KARTAL 23/01/1989 Diyarbakır Metin KOYUNCU 24/12/1990 Diyarbakır		