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

SECOND SECTION

DECISION

Application no. 27025/23
Erdal CAN and Sabiha CAN
against Türkiye
(see appended table)

The European Court of Human Rights (Second Section), sitting on 4 December 2025 as a Committee composed of:

Stéphane Pisani*, President*,
Juha Lavapuro,
Hugh Mercer*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 5 July 2023,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr L. Ulaş, a lawyer practising in İzmir.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings were communicated to the Turkish Government ("the Government").

The second applicant, Mr Erdal Can, died after the institution of proceedings before the Court. His heirs (see the appended table below) wished to pursue the application in his stead. The Government did not object against the *locus standi* of the heirs in the proceedings.

THE LAW

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declaration with a view to resolving the issues raised by these complaints. They further

requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the excessive length of civil proceedings. They offered to pay jointly to the first applicant and the heirs of the second applicant the amounts detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the case.

The applicants were sent the terms of the Government's unilateral declaration several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of civil proceedings (see, for example, *Ümmühan Kaplan v. Turkey,* no. 24240/07, 20 March 2012).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Holds that the heirs of Mr Erdal Can (as indicated in the Appendix) have standing to pursue the proceedings in his stead;

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 8 January 2026.

Viktoriya Maradudina Acting Deputy Registrar	Stéphane Pisani President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage per household (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
27025/23 05/07/2023	Household **Sabiha CAN** 1961 **Erdal CAN** 1956 Died in 2025 Heirs: **Osman CAN** Born in 1981 **Tayfur CAN** Born in 1986 **Emrah CAN** Born in 1988 **Beytullah CAN** Born in 1991 **Esra ERDOĞAN** Born in 1984	Ulaş Lütfullah İzmir	08/07/2025	09/08/2025	4,000	250

[1] Plus any tax that may be chargeable to the applicants.
[2] Plus any tax that may be chargeable to the applicants.