

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

SECOND SECTION

CASE OF AKARSU v. TÜRKİYE

(Application no. 9118/24)

JUDGMENT

STRASBOURG

10 July 2025

This judgment is final but it may be subject to editorial revision.



In the case of Akarsu v. Türkiye,

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

Gediminas Sagatys*, President*,
Stéphane Pisani,
Juha Lavapuro*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 19 June 2025,

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

PROCEDURE

1. The case originated in an application against Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 18 March 2024.

2. The Turkish Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

4. The applicant complained of the excessive length of civil proceedings before the Constitutional Court which concerned the premature termination of his term of office as a Court of Cassation judge pursuant to law no. 6723.

THE LAW

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

5. The applicant complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement. He relied on Article 6 § 1 of the Convention.

6. The Court notes at the outset that Article 6 § 1 is applicable under its civil limb to the proceedings in question (see *Sözen v. Türkiye*, no. 73532/16, § 60, 9 April 2024).

7. The Court further 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 and what was at stake for the applicant in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading cases of *Ümmühan Kaplan v. Turkey* (no. 24240/07, 20 March 2012), *Demirtürk v. Turkey* (no. 31345/05, 19 January 2010), and *Yılmaz v. Turkey* (no. 36607/06, 4 June 2019), the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, including the Government's arguments related to the declaration of the state of emergency

for almost two years from 21 July 2016 to 19 July 2018, the increased workload of the Turkish Constitutional Court, the COVID-19 pandemic, as well as adjournment of the proceedings awaiting the leading judgment, the Court has not found any fact or argument capable of justifying the overall length for more than seven years of the proceedings pending at the national level before one judicial instance (see, *mutatis mutandis, Şahin Alpay v. Turkey,* no. 16538/17, § 75, 20 March 2018; *Bieliński v. Poland*, no. 48762/19, § 44, 21 July 2022; *Q and R v. Slovenia*, no. 19938/20, § 80, 8 February 2022; and *Kavala v. Turkey*, no. 28749/18, § 195, 10 December 2019). 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.

10. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ümmühan,* cited above), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 10 July 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Gediminas Sagatys 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	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Award by the Constitutional Court (in euros) File number	Final decision by the Constitutional Court Date	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]
9118/24 18/03/2024	**Mustafa AKARSU** 1969	19/08/2016	05/10/2023	7 years, 1 month and 17 days 1 level of jurisdiction	2016/14964 0	05/10/2023	4,000

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