

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

SECOND SECTION

CASE OF AYVAZ v. TÜRKİYE

(Application no. 23393/23)

JUDGMENT

STRASBOURG

16 January 2025

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



In the case of Ayvaz v. Türkiye,

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

Davor Derenčinović*, President*,
Gediminas Sagatys,
Stéphane Pisani*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 5 December 2024,

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 22 May 2023.

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.

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. She relied on Article 6 § 1 of the Convention.

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

7. In the leading case of *Ümmühan Kaplan v. Turkey* (no. 24240/07, 20 March 2012), the Court already found a violation in respect of issues similar to those in the present case.

8. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. 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.

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

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

10. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ümmühan Kaplan,* 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;
   (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 16 January 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Davor Derenčinović 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]
23393/23 22/05/2023	**Sedef AYVAZ** 1985	23/02/2018	05/02/2024	5 years, 11 months and 14 days 1 level of jurisdiction	0 2018/5551	05/10/2023 Date of notification 05/02/2024	3,900

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