

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

SECOND SECTION

DECISION

Application no. 45908/11
Fatma DEVECİOĞLU against Turkey
and 52 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 18 June 2013 as a Chamber composed of:

Guido Raimondi, *President,*
Danutė Jočienė,
Peer Lorenzen,
András Sajó,
Işıl Karakaş,
Nebojša Vučinić,
Helen Keller, *judges,*

and Stanley Naismith, *Section Registrar,*

Having regard to the above applications, listed 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. The procedures 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 a violation of Article 1 of Protocol No. 1 to the Convention.

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 applicants complained that the length of the proceedings was 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 was incompatible with the principle of the "reasonable time" requirement in accordance with Article 6 § 1 of the Convention. In that respect, the Court found in *Müdür Turgut and Others* (cited above, § 56) that the Compensation Commission established by Law no. 6384, insofar as it is *a priori* accessible and capable of offering reasonable prospects of redress for complaints concerning the length of proceedings, constituted a

remedy which applicants were required to exhaust for the purposes of Article 35 § 1 of the Convention. In the present cases, the Court sees no reason to come to a different conclusion.

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 OF THE CONVENTION

The applicants claimed under Article 1 of Protocol No. 1 that the amounts awarded to them had lost their value due to the length of the proceedings. The Court observes that the civil proceedings against the applicants are still pending before the domestic courts. Therefore, the related complaints under this article are premature and must be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications*;*

Declares the applications inadmissible.

Stanley Naismith Registrar	Guido Raimondi President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
1.	45908/11	30/03/2011	**Fatma DEVECİOĞLU** 01/07/1933 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
2.	48362/11	28/03/2011	**Mehmet ŞENER** 20/06/1976 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
3.	49525/11	31/03/2011	**Ebru ERDURAN** 22/04/1980 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
4.	52423/11	08/08/2011	**Erdoğan TÜRKMEN** 23/05/1956 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
5.	52424/11	08/08/2011	**Emine KURNAZ** 21/09/1959 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
6.	52425/11	09/08/2011	**Fatma TÜRKMEN (GÜNEŞ)** 15/03/1950 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
7.	59602/11	12/09/2011	**Fatma KOÇAN** 03/05/1954 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
8.	59607/11	12/09/2011	**Şükriye USLU** 01/01/1938 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
9.	59615/11	12/09/2011	**Sabri USLU** 17/08/1964 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
10.	59635/11	12/09/2011	**Mustafa ALTINIŞIK** 05/05/1951 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
11.	59638/11	12/09/2011	**Ahmet ARSLAN** 10/10/1940 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
12.	59648/11	12/09/2011	**Erol ŞAHİNER** 01/04/1955	Erhan BORA	19 Mayıs Cadastral Court E:2001/2

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			Samsun		
13.	59654/11	12/09/2011	**Ayşe AYVAZ** 10/10/1936 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
14.	59661/11	12/09/2011	**Ahmet AKBULUT** 01/12/1943 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
15.	59666/11	12/09/2011	**Nazmiye KUŞ (ŞENER)** 08/11/1944 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
16.	59671/11	12/09/2011	**Emine TÜYSÜZ (ŞENER)** 18/08/1974 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
17.	59674/11	12/09/2011	**Emine ARSLAN** 04/03/1965 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
18.	59684/11	12/09/2011	**Mahmut ESER** 01/08/1964 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
19.	59685/11	12/09/2011	**Hasan Hüseyin ŞAHİNER** 15/05/1947 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
20.	59687/11	12/09/2011	**Zeynep ÖZDEK** 01/01/1950 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
21.	59688/11	12/09/2011	**Teslime KURU** 05/02/1956 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
22.	59689/11	12/09/2011	**Hatun BÜYÜKKESKİN** 30/03/1968 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
23.	59691/11	12/09/2011	**Havva KORKMAZ** 01/01/1959 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2

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24.	59692/11	12/09/2011	**Kemal ŞENER** 01/01/1943 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
25.	59694/11	12/09/2011	**Ayşe ŞENER** 10/06/1960 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
26.	59696/11	12/09/2011	**Fatma KIRAL** 10/06/1961 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
27.	59706/11	12/09/2011	**Muammer USLU** 25/07/1968 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
28.	59739/11	12/09/2011	**Ramazan TAŞKIN** 14/04/1957 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
29.	59747/11	12/09/2011	**Teslime ÖZKAN** 10/07/1954 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
30.	59755/11	12/09/2011	**Yaşar ŞAHİNER** 20/01/1954 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
31.	59764/11	12/09/2011	**Aynur AKBULUT** 01/01/1965 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
32.	59771/11	12/09/2011	**Zeynep AKPINAR** 15/11/1963 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
33.	59775/11	12/09/2011	**Hasan ESER** 14/06/1977 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
34.	59783/11	12/09/2011	**Şaban TURNA** 15/01/1956 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
35.	59787/11	12/09/2011	**Mahmut ŞAHİNER** 10/02/1956 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2

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36.	59797/11	12/09/2011	**Cafer ERDEMLİ** 01/01/1961 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
37.	65231/11	21/09/2011	**Kemal PEHLİVAN** 01/01/1932 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
38.	67251/11	12/09/2011	**Mehmet ERDEMLİ** 28/03/1970 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
39.	67308/11	12/09/2011	**Emine ÇİZMELİ** 10/02/1967 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
40.	67311/11	12/09/2011	**Hamide ARSLAN** 20/11/1971 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
41.	67313/11	12/09/2011	**Hatice SEVİMLİ** 01/07/1933 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
42.	67317/11	12/09/2011	**Mustafa ESER** 01/05/1960 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
43.	67750/11	21/09/2011	**Zeynep KORKMAZ** 22/05/1955 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
44.	67751/11	12/09/2011	**Hacer KEÇELİ** 21/04/1941 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
45.	67755/11	12/09/2011	**Mehri TAŞKIN** 01/07/1926 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
46.	67757/11	12/09/2011	**Şaban TAŞKIN** 01/08/1962 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
47.	67761/11	12/09/2011	**Hüseyin ESER** 14/06/1977 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2

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48.	67763/11	12/09/2011	**Mediha YILDIZ** 01/03/1944 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
49.	68584/11	21/09/2011	**Hamide GÜNEŞ** 01/09/1936 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
50.	68711/11	16/09/2011	**Zeki ÖZDEK** 17/06/1953 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
51.	13318/12	24/02/2012	**Bayram YILMAZ** 17/12/1964 Samsun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
52.	16864/12	14/03/2012	**Melahat ŞEKER** 10/05/1970 Kocaeli	Erhan BORA	19 Mayıs Cadastral Court E:2001/2
53.	17014/12	14/03/2012	**Sadık GÜÇ** 01/01/1956 Giresun	Erhan BORA	19 Mayıs Cadastral Court E:2001/2