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

SECOND SECTION

DECISION

Application no. 28229/06
Halil EKER and Others
against Turkey
(see list appended)

The European Court of Human Rights (Second Section), sitting on 28 June 2016 as a Committee composed of:

Valeriu Griţco, *President,*
Stéphanie Mourou-Vikström,
Georges Ravarani, *judges,*

and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having deliberated, decides as follows:

THE FACTS

1. A list of the applicants is set out in the appendix. The Turkish Government ("the Government") were represented by their Agent.

A. The circumstances of the cases

2. The facts of the cases, as submitted by the parties, may be summarised as follows.

3. On various dates, the applicants initiated actions before various civil courts. The details of the applications appear in the table below.

B. Relevant domestic law

4. A description of the domestic law may be found in *Turgut and Others v. Turkey* (dec.), no. 4860/09, 26 March 2013; *Demiroğlu v. Turkey* (dec.),

no. 56125/10, 4 June 2013; and *Yıldız and Yanak v. Turkey* (dec.), no. 44013/07, 27 May 2014.

COMPLAINTS

5. 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.

6. The applicants raised further complaints relying on Articles 6, 8, 13, 14 and Article 1 of Protocol No. 1 to the Convention.

THE LAW

7. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

A. Alleged violation of the Article 6 § 1 of the Convention

8. The applicants complained that the length of the proceedings had been incompatible with the "reasonable time" requirement laid down in Article 6 § 1 of the Convention.

9. The Government noted that pursuant to Law no. 6384 a new Compensation Commission had been established to deal with applications concerning the length of proceedings and non-execution of domestic court judgments. They further noted that the competence of the Compensation Commission was subsequently enlarged by a decree adopted on 16 March 2014 to examine complaints relating to, among other things, the alleged loss of value of the amount of the expropriation compensation due to the effects of inflation and the length of the proceedings. Accordingly, they maintained that the applicants should avail themselves of the aforementioned new remedy in domestic law and should apply to the Compensation Commission.

10. The Court observes that, as pointed out by the Government, a new domestic remedy has been established in Turkey following the application of the pilot judgment procedure in the case of *Ümmühan Kaplan v. Turkey* (no. 24240/07, 20 March 2012). Subsequently, in its decision in the case of *Yıldız and Yanak v. Turkey* ((dec.), no. 44013/07, 27 May 2014), the Court declared an application inadmissible on the ground that the applicants had failed to exhaust domestic remedies, that is to say the new remedy. In so doing, the Court considered in particular that this new remedy was *a priori*

accessible and capable of offering a reasonable prospect of redress for complaints concerning the depreciation of awards in expropriation cases.

11. The Court notes that in its decision in the case of *Ümmühan Kaplan* (cited above, § 77), it stressed that it could examine, under its normal procedure, applications of that type which had already been communicated to the Government.

12. Taking into account the Government's preliminary objection with regard to the availability of a new domestic remedy provided by Law no. 6384, the Court reiterates its conclusion in the case of *Turgut and others* ((dec.), no. 4860/09, 26 March 2013).

13. In view of the above, the Court concludes that this part of the applications should be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

B. Other alleged violations of the Convention

14. The applicants also raised other complaints under various articles of the Convention. However, in the light of the material in its possession and in so far as the matters complained of are within its competence, the Court finds that these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

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

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares inadmissible the applications.

Done in English and notified in writing on 21 July 2016.

Hasan Bakırcı
Deputy Registrar

Valeriu Griţco
President

APPENDIX

No	Application No	Lodged on	Applicants' Date of birth Place of Residence	Represented by	Date and Reference Numbers of the Judgments Given by the Domestic Courts
1.	28229/06	06/07/2006	**Halil EKER** 21/03/1952 **Mehmet EKER** 11/01/1957 **Hamza EKER** 01/10/1954 **Mustafa EKER** 05/08/1955 **Ramazan EKER** 02/02/1950 Tarsus Mersin	Yücel TOKGÖNÜL	Tarsus Civil Court 2004/383 E. 2004/592 K. The case that was initiated on 19 January 1993 became final on 19 December 2005. It was notified on the applicant on 20 January 2006.
2.	30315/06	17/07/2006	**Mustafa SEKMEN** 01/01/1966 Ordu	Hamza RECEPOĞLU	İstanbul Labour Court 2002/1449 E. 2005/559 K. The case was initiated in 1999 and became final on 24 January 2005. It was notified on 17 March 2006.
3.	36464/06	22/08/2006	**Fuat DANYILDIZI** 21/09/1952 Osmaniye	Vural SEVEN	Didim Civil Court 2004/221 E. 2004/185 K. The case was initiated in 1999 and became final on 30 January 2006. It was notified on 13 February 2006.
4.	39670/06	04/08/2006	**GÜMÜŞDERE İNŞAAT TİC. VE SAN. A.Ş.** Ankara	Müslim YILMAZ	Ankara Commercial Court 2002/696 E. The case initiated in 2002 became final on 19 January 2015.
5.	25532/08	12/05/2008	**Hanife AYVALIK** 04/06/1944 **Orhan BAYKAL** 13/01/1961 **Aydın BAYKAL** 27/08/1960 **Abdullatif BAYKAL** 15/01/1966 Hakkari	Zeki YÜKSEL	Yüksekova Civil Court 2003/219 E. 2007/187 K. The final judgment was delivered on 25 December 2007.