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

SECOND SECTION

DECISION

Application no. 1702/10
Dursun GÜÇLÜ against Turkey
and three other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 13 June 2017 as a Committee composed of:

Nebojša Vučinić, *President,*
Paul Lemmens,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

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

Having regard to the formal declarations accepting a friendly settlement of the cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants is set out in the appendix.

The Turkish Government ("the Government") were represented by their Agent.

The applicants complained under Article 6 § 1 of the Convention about the lack of fairness in the proceedings before the Supreme Military Administrative Court on account of their inability to access the classified documents submitted by the Ministry of Defence to that court in the course of the judicial proceedings.

Under the same head the applicants further alleged that the non-communication of the opinion of the public prosecutor submitted to the Supreme Military Administrative Court was in breach of the principle of equality of arms.

Lastly, the applicants submitted under Article 6 of the Convention that the Supreme Military Administrative Court could not be considered as

independent or impartial. In this respect, they maintained that the two military officers who sat on the bench remained under the hierarchy of the military authorities and did not enjoy the same judicial guarantees as the remaining three military judges.

The Court received friendly settlement declarations under which the applicants agreed to waive any further claims against Turkey in respect of the facts giving rise to these applications, subject to an undertaking by the Government to pay each of them EUR 6,500 Euros (EUR) (six thousand five hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Turkish Liras (TRY) at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, 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 cases.

THE LAW

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

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the applications. In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 6 July 2017.

Hasan Bakırcı
Deputy Registrar

Nebojša Vučinić
President

APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	1702/10	20/11/2009	**Dursun GÜÇLÜ** 15/08/1977 Istanbul	Cavit ÇALIŞ
2.	33922/11	21/04/2011	**Ahmet CAYIK** 10/01/1968 Bursa	Cavit ÇALIŞ
3.	1645/12	04/11/2011	**Murat BOLAT** 30/03/1979 Adana	Adem DEMİR
4.	11310/12	12/12/2011	**Mustafa EMEN** 20/09/1971 Eskişehir	Adem DEMİR