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

SECOND SECTION

DECISION

Application no. 5698/07
Numan KÖKEN
against Turkey

The European Court of Human Rights (Second Section), sitting on 5 September 2017 as a Committee composed of:

Ledi Bianku, *President*,
Valeriu Griţco,
Stéphanie Mourou-Vikström, *judges*,
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 29 January 2007,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Numan Köken, is a Turkish national, who was born in 1968 and lives in Ankara. He was represented before the Court by Mr M. Bayat, a lawyer practising in Ankara.

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

A. The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 29 April 2002 the applicant initiated proceedings before the Ankara Administrative Court, requesting the annulment of the Municipality's decision cancelling the certificate of title issued in favour of the applicant's ancestor.

5. On 31 December 2002 the Ankara Administrative Court annulled the Municipality's decision.

6. On 13 October 2003 the Supreme Administrative Court quashed the first-instance court's judgment holding that the administrative decision had been in accordance with the domestic law.

7. On 30 September 2004 the Ankara Administrative Court adhered to the higher court's findings and dismissed the applicant's case.

8. During the appeal proceedings, the Chief Public Prosecutor at the Supreme Administrative Court delivered his written opinion on the case and without raising any new issues he invited the court to uphold the impugned decision. This opinion was not communicated to the applicant.

9. On 3 October 2005 the Supreme Administrative Court upheld the judgment of the first-instance court.

10. On 4 July 2006 the Supreme Administrative Court rejected the applicant's rectification request.

B. Relevant domestic law

11. The description of the relevant domestic law may be found in *Kılıç and others v. Turkey* ((dec.), no. 33162/10, §§ 10-13, 3 December 2013).

COMPLAINTS

12. The applicant complained under Article 6 § 1 of the Convention that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing.

13. Under the same provision, the applicant complained that the proceedings before the national courts had not been concluded within a reasonable time.

14. Furthermore, the applicant alleged that his certificate of title had been cancelled unlawfully and in breach of his rights under Article 6 §1 of the Convention and Article 1 of Protocol No. 1 to the Convention.

THE LAW

A. Non-communication of the Chief Public Prosecutor's written opinion

15. The applicant complained that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing. In this respect, he relied on Article 6 § 1 of the Convention.

16. The Court notes that it has already examined the same issue in the case of *Kılıç and others v. Turkey* ((dec.), no. 33162/10, §§ 19-23, 3 December 2013) and considered that the applicants had not suffered a significant disadvantage. Accordingly, it has declared this complaint inadmissible in accordance with Article 35 § 3 (b) of the Convention.

17. Having in particular regard to the content of the respective written opinion filed by the Chief Public Prosecutor in the proceedings before the Supreme Administrative Court (see paragraph 8 above), the Court finds no particular reasons in the present application which would require it to depart from its findings in the aforementioned case.

18. In the light of the foregoing, this complaint is inadmissible and must be rejected pursuant to Article 35 §§ 3 (b) and 4 of the Convention.

B. Other Complaints

19. The applicant raised other complaints under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

20. 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.

21. It follows that this part of the application must be declared inadmissible as being manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 September 2017.

Hasan Bakırcı
Deputy Registrar

Ledi Bianku
President