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

SECOND SECTION

DECISION

Application no. 7463/09
Mustafa Şevket TARI and others against Turkey
and 12 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 1 October 2013 as a Committee composed of:

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges,*

and Seçkin Erel, *Acting Deputy 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. Certain procedures lasted several years, however some proceedings 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 complained under Article 6 § 1 and 17 of the Convention about the outcome of the proceedings.

Certain applicants also alleged violations 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 their common legal background.

II. ALLEGED VIOLATION OF THE LENGTH OF THE PROCEEDINGS

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, 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 had been incompatible with the principle of the "reasonable time" requirement in accordance with Article 6§ 1 of the Convention. The Court found in *Müdür Turgut and Others* (cited above, §§ 58 and 60) 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. Accordingly, the applicants should avail themselves of the new remedy offered by Law no. 6384.

It follows that these complaints must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

III. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

A. Article 6 § 1 and 17 of the Convention

Certain applicants also complained under Article 6 § 1 about the outcome and the alleged unfairness of the proceedings. In so far as this complaint may be understood to concern the assessment of the evidence and the result of the proceedings before the domestic courts, the Court reiterates that, according to Article 19 of the Convention, its duty is to ensure the observance of the engagements undertaken by the Contracting Parties to the Convention. In particular, it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention. Moreover, while Article 6 of the Convention guarantees the right to a fair hearing, it does not lay down any rules on the admissibility of evidence or the way it should be assessed, which are therefore primarily matters for regulation by national law and the national courts (see *García Ruiz v. Spain* [GC], no. 30544/96, § 28, ECHR 1999-I). In the present case, the Court is satisfied that the applicants' submissions do not disclose any appearance that the courts lacked impartiality, or that the proceedings were otherwise unfair or arbitrary.

It follows that these complaints must be declared inadmissible as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

B. Article 1 of Protocol No. 1 to the Convention

Having carefully examined certain applicants' complaints in the light of all the material in its possession, and in so far as the matter complained of is within its competence, the Court finds that it does not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

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

For these reasons, the Court unanimously

Decides to join the applications;

Declares the applications inadmissible.

Seçkin Erel
Acting Deputy Registrar

Peer Lorenzen
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
1.	7463/09	02/02/2009	**Mustafa Şevket TARI** 01/01/1930 Istanbul **Ahmet Erbil YOLAY** Istanbul **Ayten DELİORMAN** Istanbul **Hüseyin TARI** Istanbul **Nurşen YOLAY** Istanbul **Ömür YOLAY** Istanbul **Özlem YOLAY** Istanbul **Yücel ÇAKIR** Istanbul **Eda GÜNLÜCE** Muğla **Gülten SARAK TARI (KANYALI)** Istanbul	Rahmi AKYÜREK	Court of Cassation, E: 2008/2913, K: 2008/3351.
2.	16599/10	10/03/2010	**Zeyni KAYHAN** 10/02/1950 Istanbul **Abidin KAYHAN** Istanbul	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1971/4, K: 1989/24

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Nurhayat AYDIN KAYHAN 10/08/1964 Mardin **Türkiye YILDIZ** 09/02/1933 Mardin **Fikret KAYHAN** 04/04/1965 Istanbul **Mehmet Şirin AYDIN** 05/03/1936 Mardin **Eyyüp Sabır AYDIN** 06/11/1981 Nevşehir **Abdulhalim AYDIN** 19/12/1947 Istanbul **Güla Dicle AYDIN** 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin		
3.	16684/10	10/03/2010	**Zeyni KAYHAN** 10/02/1950 Istanbul **Abidin KAYHAN** Istanbul **Nurhayat AYDIN KAYHAN** 10/08/1964 Mardin	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1978/2.

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Türkiye YILDIZ 09/02/1933 Mardin **Fikret KAYHAN** 04/04/1965 Istanbul **Mehmet Şirin AYDIN** 05/03/1936 Mardin **Eyyüp Sabır AYDIN** 06/11/1981 Nevşehir **Abdulhalim AYDIN** 19/12/1947 Istanbul **Güla Dicle AYDIN** 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin		
4.	16689/10	10/03/2010	**Zeyni KAYHAN** 10/02/1950 Istanbul **Abidin KAYHAN** Istanbul **Nurhayat AYDIN KAYHAN** 10/08/1964 Mardin **Türkiye YILDIZ** 09/02/1933 Mardin	Yılmaz FİDAN	Court of Cassation, E: 2006/2587, K: 2006/3479.

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Fikret KAYHAN 04/04/1965 Istanbul **Mehmet Şirin AYDIN** 05/03/1936 Mardin **Eyyüp Sabır AYDIN** 06/11/1981 Nevşehir **Abdulhalim AYDIN** 19/12/1947 Istanbul **Güla Dicle AYDIN** 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin		
5.	35872/10	13/05/2010	**Abdulhalim AYDIN** 19/12/1947 Istanbul **Zeyni KAYHAN** 10/02/1950 Istanbul **Nurhayat AYDIN KAYHAN** 10/08/1964 Mardin **Türkiye YILDIZ** 09/02/1933 Mardin **Fikret KAYHAN** 04/04/1965 Istanbul	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1965/295

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Mehmet Şirin AYDIN 05/03/1936 Mardin **Eyyüp Sabır AYDIN** 06/11/1981 Nevşehir **Güla Dicle AYDIN** 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin		
6.	59553/10	07/09/2010	**Ali KARAASLAN** 11/05/1967 Mardin **Hasine AKKOYUN** 01/10/1950 Mardin **Azize KARAASLAN** 01/02/1939 Mardin **Ayten KARAASLAN** 05/05/1979 Mardin **Asya OKTAY** 01/02/1949 Mardin **Abdülmecit ERTAŞ** 01/01/1949 Mardin **Abas KARAASLAN** 10/03/1940 Mardin	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1966/194, K: 2010/3

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Zerga İLHAN 01/01/1955 Mardin **Reşit KARAASLAN** 23/11/1975 Mardin **Hüseyin KARAASLAN** 03/01/1965 Mardin **Hacci ERTAŞ** 01/02/1940 Mardin **Hasan KARAASLAN** 05/04/1963 Mardin **Güle DEMİR** 24/05/1973 Mardin **Güli DOĞAN** 10/07/1941 Mardin **Gamra TARHAN** 01/01/1962 Mardin		
7.	60270/10	20/09/2010	**Zerga İLHAN** 01/01/1955 Mardin **Ali KARAASLAN** 11/05/1967 Mardin **Hasine AKKOYUN** 01/10/1950 Mardin	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1973/186.

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Azize KARAASLAN 01/02/1939 Mardin **Ayten KARAASLAN** 05/05/1979 Mardin **Asya OKTAY** 01/02/1949 Mardin **Abdülmecit ERTAŞ** 01/01/1949 Mardin **Abas KARAASLAN** 10/03/1940 Mardin **Reşit KARAASLAN** 23/11/1975 Mardin **Hüseyin KARAASLAN** 03/01/1965 Mardin **Hacci ERTAŞ** 01/02/1940 Mardin **Hasan KARAASLAN** 05/04/1963 Mardin **Güle DEMİR** 24/05/1973 Mardin **Güli DOĞAN** 10/07/1941 Mardin		

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Gamra TARHAN 01/01/1962 Mardin		
8.	54758/12	30/05/2012	**Mehmet Şirin AYDIN** 05/03/1936 Mardin **Zeyni KAYHAN** 10/02/1950 Istanbul **Nurhayat AYDIN KAYHAN** 10/08/1964 Mardin **Fikret KAYHAN** 04/04/1965 Istanbul **Eyyüp Sabır AYDIN** 06/11/1981 Nevşehir **Güla Dicle AYDIN** 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin **Abdulhalim AYDIN** 19/12/1947 Istanbul	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 2007/1
9.	54787/12	23/05/2012	**Mehmet Şirin AYDIN** 05/03/1936 Mardin **Zeyni KAYHAN** 10/02/1950 Istanbul	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 2007/1

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Nurhayat AYDIN KAYHAN 10/08/1964 Mardin **Fikret KAYHAN** 04/04/1965 Istanbul **Eyyüp Sabir AYDIN** 06/11/1981 Nevşehir **Güla Dicle AYDIN** 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin **Abdulhalim AYDIN** 19/12/1947 Istanbul		
10.	54795/12	30/05/2012	**Mehmet Şirin AYDIN** 05/03/1936 Mardin **Zeyni KAYHAN** 10/02/1950 Istanbul **Nurhayat AYDIN KAYHAN** 10/08/1964 Mardin **Fikret KAYHAN** 04/04/1965 Istanbul **Eyyüp Sabır AYDIN** 06/11/1981 Nevşehir	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 2007/1.

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Güla Dicle AYDIN 28/11/1974 Mardin **Nadire AYDIN** 01/09/1940 Mardin **Abdulhalim AYDIN** 19/12/1947 Istanbul		
11.	66227/12	31/08/2012	**Abas KARAASLAN** 10/03/1940 Mardin **Azize KARAASLAN** 01/02/1939 Mardin **Hacci ERTAŞ** 01/02/1940 Mardin **Güli DOĞAN** 10/07/1941 Mardin	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1966/164
12.	8758/13	31/12/2012	**İhsan KARABOĞA** 11/10/1955 Mardin **İhsan KARABOĞA** 01/01/1955 Mardin **Ahmet KARABOĞA** 01/08/1972 Mardin **Mahsum KARABOĞA** 03/01/1965 Mardin	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1961/203, K: 2010/6

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Notes
			Hamza KARABOĞA 01/02/1975 Mardin **Abdulkerim KARABOĞA** 03/01/1957 Mardin		
13.	9078/13	31/12/2012	**İhsan KARABOĞA** 11/10/1955 Mardin **İhsan KARABOĞA** 01/01/1955 Mardin **Ahmet KARABOĞA** 01/08/1972 Mardin **Mahsum KARABOĞA** 03/01/1965 Mardin **Hamza KARABOĞA** 01/02/1975 Mardin **Abdulkerim KARABOĞA** 03/01/1957 Mardin	Yılmaz FİDAN	Kızıltepe Cadastral Court, E: 1961/206.