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

SECOND SECTION

DECISION

Application no. 44616/22
Adil UÇANKAN
against Türkiye
(see appended table)

The European Court of Human Rights (Second Section), sitting on 6 February 2025 as a Committee composed of:

Gediminas Sagatys*, President*,
Stéphane Pisani,
Juha Lavapuro*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 13 September 2022,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr A. Sayar, a lawyer practising in Istanbul.

The applicant's complaints under Article 6 § 1 and Articles 10 and 13 of the Convention concerning a sanction imposed on the applicant by the Turkish Football Federation were communicated to the Turkish Government ("the Government").

The Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application.

The declaration provided as follows:

> "The Government of Türkiye hereby wish to express by way of unilateral declaration their acknowledgment that the proceedings which the applicant [was] subjected to did not meet the standards enshrined in Articles 6 § 1 and 10 of the Convention in the light of the well-established case-law of the Court in the present case.

Article 14, entitled "Final nature of the decisions", of the Arbitration Committee Directive provides as follows:

"The decisions of the Committee shall be final. They shall not be subject to the approval of administrative or judicial authorities and no appeal shall lie against them to these authorities.

The provisions of the Code of Civil Procedure and those of the Code of Criminal Procedure concerning the pronouncement of decisions, rectification of errors of fact, and reopening of the proceedings shall be reserved."

The Government emphasize that Article 375 § 1 (i) of the Code of Civil Procedure as amended by Law no. 7145 of 31 July 2018, now requires reopening of civil court proceedings in cases where the European Court of Human Rights decides to strike an application out of its list of cases following a friendly settlement or a unilateral declaration. The Government consider that the aforementioned remedy is capable of providing redress in respect of the applicant's complaints under the Convention.

Consequently, the Government of Türkiye declare that they offer to pay *ex gratia* to the applicant, **EUR 7,020** (seven thousand and twenty euros), to cover any and all non-pecuniary damages and **EUR 500** (five hundred euros) in respect of costs and expenses, plus any tax that may be chargeable to the applicant on these amounts.

This sum will be converted into Turkish liras at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on them, from 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 applicant informed the Court that he agreed to the terms of the declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore 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 the Protocols thereto and finds no reasons to justify the continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 6 March 2025.

Viktoriya Maradudina Acting Deputy Registrar	Gediminas Sagatys President

APPENDIX

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for non-pecuniary damage (in euros)[1]	Amount awarded for costs and expenses (in euros)[2]
44616/22 13/09/2022	**Adil UÇANKAN** 1957	Aydın Sayar Istanbul	21/11/2024	14/12/2024	7,020	500

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.