

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

SECOND SECTION

DECISION

Application no. 10783/07
Ziri YÖYLER and others against Turkey
and 46 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 16 December 2014 as a Chamber composed of:

Guido Raimondi, *President,*
Işıl Karakaş,
Nebojša Vučinić,
Helen Keller,
Paul Lemmens,
Egidijus Kūris,
Robert Spano, *judges,*
and Stanley Naismith, *Section Registrar,*

Having regard to the above applications, listed in the appendix,

Having deliberated, decides as follows:

THE FACTS

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

A. The circumstances of the case

2. The facts of the case, as submitted by the applicants, may be summarised as follows.

3. 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, and some are still pending before the domestic courts.

B. Relevant domestic law

4. A description of the relevant domestic law may be found in *Turgut and Others v. Turkey* ((dec.), no. 4860/09, §§ 19-26, 26 March 2013).

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. Some of the applicants alleged that there had been a violation of Article 13 of the Convention in that there was no effective remedy under Turkish law.

7. All the applicants raised additional complaints with reference to various Articles of the Convention and its Protocols.

THE LAW

A. Alleged violation of 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, 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..."

9. The Court observes that the applicants asserted that the length of the proceedings had been incompatible with the principle of "reasonable time" requirement in accordance with Article 6 § 1 of the Convention. The Court found in *Turgut and Others* (cited above, §§ 8 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 (see also *Haçikoğlu and others v. Turkey* ((dec.) no. 21786/04, 8 April 2014).

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

B. Alleged violation of Article 13 of the Convention

11. Some of the applicants complained that there was no effective remedy under Turkish law. They relied, in this regard, on Article 13 of the Convention, which provides:

> "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

12. The Court recalls that it has also held that the Compensation Commission established by Law no. 6384 provides for an effective remedy within the meaning of Article 13 of the Convention for applicants to complain about the length of proceedings for the purposes of Article 6 § 1 of the Convention relating to all applications pending before the Court, not yet communicated to the respondent Government, submitted before 23 September 2012 (*Turgut and Others* (cited above, § 59)).

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

C. Other alleged violations of various Articles of the Convention and its Protocols

14. The applicants invoked various articles of the Convention and its Protocols.

15. The Court considers that it is not at this stage able to determine whether these complaints should be communicated to the Government in accordance with Rule 54 § 2 (b) of the Rules of Court, and adjourns their examination.

For these reasons, the Court unanimously

Declares the complaints concerning the length of the proceedings and the lack of an effective remedy for undue length of proceedings inadmissible;

Decides to adjourn the examination of the remainder of the application.

Stanley Naismith
Registrar

Guido Raimondi
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	10783/07	02/03/2007	**Ziri YÖYLER** 02/04/1946 Muş **Nazlı DERE** 01/04/1954 Kocaeli **Refika GÜVEN** 27/05/1950 Muş **Hazime DAŞ** 02/01/1956 Muş	Kerim YILDIZ
2.	13378/07	22/03/2007	**Muhsin GÖLBAŞ** Bursa	Nalan BENER
3.	19535/07	03/05/2007	**Mustafa Volkan LÜLÜ** 02/01/1957 Antalya **Ali Noyan LÜLÜ** 12/12/1953 **Yonca Rahime GİRİTLİ** 21/06/1956 **Demet DOLZ** 01/01/1959 **Hatice Ayten LÜLÜ** 14/05/1928	Salih EFE

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
4.	51508/08	22/09/2008	**Fatih TAŞ** 07/05/1979 İstanbul	İnan AKMEŞE
5.	51512/08	24/09/2008	**Fatih TAŞ** 07/05/1979 İstanbul	İnan AKMEŞE
6.	6810/09		**Fatih TAŞ** 07/05/1979 İstanbul	İnan AKMEŞE
7.	24067/09	24/03/2009	**Bedi YAŞAR** 01/01/1936 Mersin **Müzeyyen YILMAZ** 04/01/1963 Mersin **Mithat YAŞAR** 01/06/1964 Mersin **Melahat ÇELİK** 13/10/1966 Mersin **Kayhan YAŞAR** 02/09/1970 Mersin **Belkıs YAŞAR** 05/10/1967 Mersin **Metin YAŞAR** 02/10/1960 Mersin	Ferda İRİŞİK

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
8.	31884/09	23/05/2009	**Şemsi KAYA** 01/01/1939 İstanbul	Murat HAZİNEDAR
9.	32586/09	10/06/2009	**Mihriye CANTÜRK** 17/12/1954 Ürgüp / Nevşehir	Ferda İRİŞİK
10.	32594/09	10/06/2009	**Metin GÜLER** 15/02/1969 Mersin	Ferda İRİŞİK
11.	33495/09	29/05/2009	**Fatih TAŞ** 07/05/1979 İstanbul	İnan AKMEŞE
12.	33748/09	11/06/2009	**Hüseyin ATAY** 01/04/1965 Mardin **Nihad ATAY** 08/08/1968 **Hidayet ATAY** 10/06/1975 **Fatma ATAY** 01/01/1955 Mardin **Abdullah ATAY** 01/09/1975 Mardin **Nurullah ATAY** 01/09/1980 Mardin	Şeyhmus TAŞKIN

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			Emrullah ATAY 01/09/1980 Mardin **Muazzez ÖZDEMİR** 01/10/1982 Mardin **Medine ATAY** 01/01/1985 Mardin **Mehmet ATAY** 01/03/1987 Mardin **Feride ATAY** 20/02/1989 Mardin	
13.	67385/09	16/12/2009	**Cemile KAYA** 28/02/1957 Tunceli **Akın KAYA** 10/03/1981 Tunceli **İbrahim KAYA** 10/11/1982 Tunceli **Cemal KAYA** 05/11/1986 Tunceli **Deniz KAYA** 15/02/1975 Elazığ	Barış YILDIRIM

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
14.	3801/10	25/12/2009	**Güler ÇELİK** 01/01/1972 Bingöl	Fırat AYDINKAYA
15.	7417/10	20/01/2010	**İbrahim OĞUZ** 01/01/1929 Gaziantep	Mustafa TÜRKMEN
16.	10797/10	08/02/2010	**Işıl SARIKAMIŞ** 04/03/1986 İstanbul	Mehmet ERBİL
17.	10985/10	10/02/2010	**Recep TOKUÇ** 17/07/1976 Kütahya	
18.	13874/10	17/02/2010	**Vahit SEVİM** 11/01/1970 İstanbul **Mehmet Hanifi ÖNCEL** 01/01/1974 İstanbul	İnan AKMEŞE
19.	13992/10	29/01/2010	**Ülger YAŞAR** 02/03/1943 Gaziantep	Mustafa TÜRKMEN
20.	17867/10	14/12/2009	**Mustafa ERSİN** 26/09/1925 İstanbul **Mehmet Basri ERSİN** 06/05/1929	Turgan GÜRMEN

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			Tekirdağ **Ziya GÜLBARAN** 22/08/1956 İstanbul **Murat GÜLBARAN** 19/05/1962 İstanbul **Deniz GÜLBARAN** 15/08/1958 İstanbul **Ahmet Hayri UĞUR** 22/02/1946 İstanbul	
21.	23702/10	05/04/2010	**Mehmet Ali VARIŞ** 10/01/1979 İstanbul	Fazıl Ahmet TAMER
22.	30511/10	03/05/2010	**Sefer BOZACI** 09/02/1979 Bartın	
23.	33528/10	01/06/2010	**Fatih TAŞ** 07/05/1979 İstanbul	İnan AKMEŞE
24.	39389/10	17/05/2010	**Erdal ÇERİ** 10/01/1974 İstanbul	Haluk KÖKSOY
25.	41764/10	07/08/2010	**Fatma DEMİR** 01/01/1949	Adil AKTAY

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			Osmaniye	
26.	47010/10	12/07/2010	**Turabi KARTAL** 01/01/1978 İstanbul	Metin FİLORİNALI
27.	70258/10	24/09/2010	**TEMKAŞ YERLİ ÜRÜNLER İTHALAT İHRACAT SANAYİ VE TİCARET A. Ş.** İstanbul	Melahat ERDAL
28.	31812/11	18/02/2011	**MLG REKLAM PRODÜKSİYON ORGANİZASYON MÜŞAVİRLİK VE DIŞ TİCARET LİMİTED ŞİRKETİ** Ankara	Emrah GENÇ
29.	32043/11	23/09/2009	**Ramazan ORAL** 11/03/1985 Mersin **İbrahim Halil YAHLİ** 08/03/1984 İstanbul **Enver TEKİN** 01/01/1983 Bursa	İnan AKMEŞE
30.	32445/11	03/03/2011	**Zeynep ERGÜN SÖZEN**	Erhan BORA

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			01/03/1939 Samsun	
31.	32446/11	03/03/2011	**Emine KUŞ SÖZEN** 16/04/1949 Samsun	Erhan BORA
32.	49851/11	13/06/2011	**Doğan ERDOĞAN** 21/07/1986 Amasya	Yasin YILDIZ
33.	77839/11	28/11/2011	**Kadir KORKUT** 01/01/1973 Antalya **İsa Emre KORKUT** 14/07/2001 Antalya **Özlem KORKUT** 01/12/1974 Antalya	Nurullah AKSARI
34.	78510/11	11/11/2011	**Yasemin OKUYUCU** 04/02/1972 İstanbul	Sevgi EPÇELİ ARSLAN
35.	78807/11	10/11/2011	**Faruk MENEKŞE** 01/03/1973 Diyarbakır	Serkan AKBAŞ
36.	1320/12	05/12/2011	**Adem ORAN** 12/10/1979 İstanbul **Fatma ÖZCAN** 10/06/1977	Mustafa BOSTANOĞLU

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			İstanbul **Emre ORAN** 25/04/1985 İstanbul **İsmail ORAN** 08/09/1956 İstanbul	
37.	22537/12	01/03/2012	**Sadi ÇİFTÇİ** 01/01/1974 İstanbul **Mufide ÇİFTÇİ** 01/01/1980 İstanbul	Fırat AYDINKAYA
38.	27300/12	16/04/2012	**Kenan TANDOĞAN** 03/01/1976 İstanbul	Mehmet UZUNCAOK
39.	47232/12	06/04/2012	**Ali GÜRBÜZ** 01/01/1971 Köln **Hasan BAYAR** 01/01/1982 Bern	İnan AKMEŞE
40.	59884/12	09/07/2012	**Ali ÇANAKÇI** 01/01/1984 Edirne	Fırat AYDINKAYA
41.	61984/12	24/07/2012	**Fatma YAĞLI** 10/08/1959	Fatma ŞÜKÜROĞLU

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			Ordu **İsa YAĞLI** 10/06/1977 Ordu **Musa YAĞLI** 10/06/1979 Antalya **Eyüp YAĞLI** 01/01/1990 Ordu	
42.	72778/12	03/09/2012	**Bayram BAYRAKÇI** 01/07/1934 Ankara **Ekrem BAYRAKÇI** 10/01/1950 Ankara **Mustafa BAYRAKÇI** 25/03/1969 Ankara	Okan YILMAZYURT
43.	77747/12	08/09/2012	**Nesim YILMAZ** 28/04/1947 Van **İbrahim YILMAZ** 01/01/1978 Van **Mevlüde YILMAZ** 01/01/1987	Murat TİMUR

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			Van **Hüsna YILMAZ** 01/01/1948 Van **Doğan YILMAZ** 01/01/1991 Van **Halil YILMAZ** 01/01/1990 Van	
44.	3009/13	15/11/2012	**Zeki AYTİMUR** 12/04/1952 Kocaeli **Feryat AYTİMUR** 01/04/1974 Istanbul **Şengül AYTİMUR** 26/04/1958 Kocaeli **Gönül AYTİMUR** 02/09/1968 Kocaeli **Hatice AYTİMUR** 01/01/1977 Kocaeli **Ali AYTİMUR** 20/08/1978 Kocaeli **Abdülkadir AYTİMUR**	Fatih YEMEN

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			01/07/1982 Kocaeli **Huriye AYTİMUR** 10/10/1985 Kocaeli **Ayşegül AYTİMUR** 10/10/1987 Kocaeli **Hakan AYTİMUR** 01/06/1989 Kocaeli **Yadigar AYTİMUR** 01/06/1991 Kocaeli	
45.	7277/13	05/12/2012	**Nizamettin KARAALANLI** 01/06/1935 İzmir	
46.	13351/13	11/01/2013	**Muzaffer DOĞAN** 01/01/1970 Antalya	
47.	17133/13	21/09/2012	**Hatice DİLEK** 15/11/1990 İstanbul	Fırat AYDINKAYA