

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
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Meeting: 1318th meeting (June 2018) (DH)

Item reference: Action report (03/04/2018)

Communication from Turkey concerning the cases of Gurakin and Dikv. Turkey (Applications No. 1313/08, 24536/09)

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Réunion : 1318^e réunion (juin 2018) (DH)

Référence du point : Bilan d'action

Communication de la Turquie concernant les affaires Gurakin et Dikv c. Turquie (requêtes n° 1313/08, 24536/09) (**anglais uniquement**)

Ankara, March 2018

ACTION REPORT

Two Cases from the *Bakan v. Turkey* Group (50939/99)

I. CASE DESCRIPTION

1. There are two cases supervised under this group (*Dik* and *Gürakın*).
2. These cases concern a violation of the applicants' right to fair trial on account of the authorities failure to secure the right of access to a court in conformity with the European Convention requirements resulting in refusals by the domestic courts to grant legal aid to the applicants.

II. INDIVIDUAL MEASURES

3. The Government has taken measures to ensure that the violation at issue has been ceased and that the applicants have been redressed for its negative consequences.

Just Satisfaction

4. The European Court awarded just satisfaction in respect of the non-pecuniary damage sustained by the applicants. The just satisfaction awarded has been paid the applicants, *Bülent Gürakın* (1313/08) and *Dik* (24536/09), i.e. within the deadline set by the Court. For the other applicant in 1313/08, *Bartu Gürakın*, the damage awarded by the Court to the applicant had been put into deposit account and the applicant was informed.

Reopening of the Proceedings

5. The authorities have asked whether the applicants have requested reopening of the proceedings and, if so, what is the result of the request. In *Gürakın*, the applicants have not availed themselves of this possibility.
6. In *Dik*, the applicant has availed himself of this opportunity and the request for reopening of the proceeding has been granted. The proceeding in this regard has still been pending before the relevant court. The applicant's request for legal aid has been granted in this proceeding.

III. GENERAL MEASURES

7. The Government would like to recall that the measures aimed at preventing violation under Article 6 have been taken within the framework of the *Bakan* (50939/99) case. The

Committee of Ministers decided to close this case in January 2018 (see Resolution CM/ResDH(2018)37,1305th meeting).

8. The Government furthermore notes that the impugned facts in the cases took place before the measures have been taken within the framework of the *Bakan* case. The Government therefore considers that no further general measures are necessary.

Publication and Dissemination of the Judgment:

9. The judgment has been circulated to the Constitutional Court, the Court of Cassation, Human Rights and Equality Institution of Turkey, the Ombudsman Institution and the relevant court.

10. The Government therefore considers that the above-mentioned measures are capable of preventing similar violations.

IV. CONCLUSION

11. The Government considers that the individual measures taken ensured that the violation at hand has ceased and that the applicants are provided redress for its negative consequences.

12. The Government furthermore recalls that the general measures have been taken within the context of *Bakan* case (see Resolution CM/ResDH(2018)37,1305th meeting).

13. The Government therefore considers that Turkey has thus complied with its obligations under Article 46 paragraph 1 of the Convention and proposes to the Committee of Ministers to adopt a final resolution and close the examination of these cases.