

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Meeting: 1318th meeting (June 2018) (DH)

Item reference: Action report (26/04/2018)

Communication from Turkey concerning the case of Tas v. Turkey (Application No. 702/11)

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

Référence du point : Bilan d'action (26/04/2018)

Communication de la Turquie concernant l'affaire Tas c. Turquie (requête n° 702/11) (*anglais uniquement*)

DGI

26 AVR. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Ankara, April 2018

ACTION REPORT

Çetin TAŞ v. TURKEY (702/11)

Judgment of 24 October 2017

I. CASE DESCRIPTION

1. The case concerns a violation of the right to security on account of the non-communication of the public prosecutor's opinion to the applicant or his representative in the context of review proceedings of lawfulness of the applicant's detention (Article 5§4).

2. The case further concerns a violation of the right to security on account of the lack of an effective remedy to challenge the lawfulness of his detention (Article 5§5).

II. INDIVIDUAL MEASURES

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

Just Satisfaction

4. The European Court awarded 1.000 Euros in respect of the costs and expenses. The amount awarded under the costs and expenses has been paid to the applicant within the deadline set by the Court.

Applicant's Detention

5. At the outset, it is noted that applicant was released from detention on 10 December 2010 (§ 12 of the judgment). Therefore, the violation in this regard has been brought to an end.

Compensation Claims as Domestic Remedy

6. The domestic legislation, notably Article 141 of the Turkish Criminal Procedure Law provided a possibility for the applicant to lodge a claim in respect of pecuniary damage. Applicant can avail himself of this possibility. However, the applicant has not used this possibility so far.

III. GENERAL MEASURES

7. The Government would like to recall that the measures aimed at preventing violation under Article 5§4 and 5§5 have been taken within the framework of the *Demirel* (39324/98) case. The Committee of Ministers decided to close this case in November 2016 (see Resolution CM/ResDH(2016)332, 1270th meeting).

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

Publication and Dissemination of the Judgment:

9. The Government ensured that the European Court's judgment has been transmitted together with an explanatory note on the European Court's findings to the domestic courts involved in those cases as well as to other relevant courts such as the Constitutional Court, the Council of State, Human Rights and Equality Institution of Turkey.

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 violations at hand have ceased and that the applicant is provided redress for their negative consequences.

12. The Government furthermore recalls that the general measures have been taken within the context of *Demirel* group case (see Resolution CM/ResDH(2016)332, 1270th 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 this case.