

**SECRETARIAT GENERAL**

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Contact: John Darcy  
Tel: 03 88 41 31 56

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Meeting: 1318<sup>th</sup> meeting (June 2018) (DH)

Communication from the authorities (16/05/2018) concerning the cases of ELLIS, YASAR AND OTHERS, TIMTIK, TUNCER, DINDAR, GURAKIN, KELOGLAN AND OTHERS, M. OZEL AND OTHERS, HOLMATOVA AND OTHERS, TEMEL, ASICI AND OTHERS, MUSAYEV, CEVIKEL, HAVVA DUDU ALBAYRAK AND OTHERS, UNSAL OZTURK (No. 2), UGURLU, ASICI, CENGIZ AND SAYGIKAN, YILMAZ, HADEP and DEMIR, UGUR AND ABI, ISILAKLI, SARIGUL, OZSOY, KAYNAK and COKKALENDER, GULIZAR CEVIK, DELIBAS, T.C. and H.C., ERGEN AND OTHERS, BAYRAM AND OTHERS, USTUN, INAN, AKACAK, CAMYAR AND BERKTAS, KOK, SULTAN ONER, BATMAZ, KARAKOYUN AND OTHERS, KILICGEDIK, MOGHADDAS, GUNES, KESKINTURK, HASAN YASAR AND OTHERS, KIZIROGLU, UNAL, HALIME KILIC, DEMIRTAS, GUNAY, GUZELGUL, BAKHTIAROVA AND DURMUS, CANGOZ AND OTHERS, AKKOYUNLU, ALPHAN v. Turkey (Applications No. 1065/06, 1236/09, 12503/06, 12903/02, 13077/13, 1313/08, 14019/07, 14350/05, 14355/13, 16853/05, 17561/04, 20295/13, 23121/15, 24470/09, 24874/04, 26437/08, 26625/04, 26754/12, 27566/06, 28003/03, 28234/06, 28477/11, 28691/05, 30953/09, 34445/08, 34450/08, 34764/07, 34805/06, 35364/05, 37221/05, 37685/02, 40757/10, 413/13, 41959/02, 42289/11, 43504/04, 44023/09, 44205/04, 4517/04, 46134/08, 47079/06, 49864/12, 50059/11, 52154/07, 61981/09, 63034/11, 63318/12, 64794/12, 65321/12, 74585/12, 7469/06, 7505/06, 770/04).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1318<sup>e</sup> réunion (juin 2018) (DH)

Communication des autorités (17/05/2018) concernant les affaires listées ci-dessus (**anglais uniquement**)

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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**Observations of the Government as regards the letter entitled**  
**“Turkish cases pending supervision before the Committee of Ministers**  
**in respect of payment of just satisfaction”**

**1. *Akkoyunlu v. Turkey (no. 7505/06)***

Prior to the Court’s decision, the Mehmetçik Foundation made a lump sum payment of 3,704,400.000 Turkish liras (TRL) to Hayrullah Akkoyunlu. In addition, from the beginning of the month following the date of application, care assistance is being provided every month. The monthly amount paid is re-determined every fiscal year. In addition, pursuant to the Decree Law no 669, as of 31 July 2016 the health insurance of conscript and corporals are paid by the Social Security Institution.

**2. *Batmaz v. Turkey (no. 44023/09)***;

On 23 September 2016, a notification letter was sent to the applicant indicating that she or her representative was required to submit the documents in order for the payment to be made. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. On 17 December 2016, the amount to be paid was secured in a deposit account due to the failure of the applicant and her representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. On 19 January 2017, the applicant was notified of the said transfer to the deposit account.

**3. *Cangoz and Others v. Turkey (no. 7469/06)***

The Government would like state firstly that on 5 January 2018 detailed information on the said application was provided. The Government would like to reiterate its submission. In this respect: On 6 October 2016, a notification letter indicating that they were required to submit the documents pertaining to the payment was sent to the applicants. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. Instead, the applicants’ representative confined himself to submitting a petition that he would request the revision of the judgment. Following this petition, until the Court’s decision to revise the judgment, the amount awarded, namely 1,118,677.00 euros (EUR) was secured in a deposit account on 12 December 2016 and converted to Turkish liras according to the exchange rate of the same date. In other words, the compensation awarded was made ready for payment in case a revision of the decision was rendered. Following the decision of the Court to revise the

judgment on 19 September 2017, the compensation secured in the deposit account was transferred to the accounts of the applicants on 8 November 2017.

**4. *Ahmet Kılıç Group of cases, Kaynak ve Cokkalender v. Turkey (no. 34445/08); Gulizar Cevik v. Turkey (no. 34450/08);***

In respect of the 23 applicants referred to as Sercan and Others examined under the group of cases of Kılıç, the Court decided that the first-instance court decisions be implemented. In this context, the Ministry of Energy and Natural Resources, having the status of a party in national proceedings, is responsible for the realisation of these payments. Payments related to the 22 applications in question were made to the Ziraat Bank by the said Ministry. *In respect of the Kaynak and Cokkalender decision no. 34445/08*, the enforcement order had to be drawn up once again as it was found to be erroneous. Thus, letters have been exchanged in respect of this case and accordingly, a payment will be made. Detailed information on the payments made to the 22 cases mentioned above can be found in the table in the annex. In respect of the *Gulizar Cevik decision no. 34450/08*, the enforcement process at the enforcement office was discontinued as it was not pursued by the applicant.

**5. *Halime Kilic v. Turkey (no. 63034/11)***

On 21 December 2016 the due amount was secured in a deposit account due to the failure of the applicant/representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents provided were insufficient. Moreover, on 18 January 2017 the applicant was notified of the transfer to the deposit account. The applicant's lawyer communicated that he had filed a revision request with the Court with the petition verified and signed on 3 February 2017. At present, the revision decision and the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

**6. *Ustun v. Turkey (no. 37685/02)***

The necessary research and examination process with a view to gathering information about the case is still continuing. Once the process is completed, further information on the case will be submitted to the Secretariat.

**7. *M. Ozel and Others v. Turkey (no. 14350/05)***

On 25 August 2016 a notification letter indicating that they were required to procure documents pertaining to the payment was sent to the applicants. However, the applicant Ismail ERDOĞAN died on 25 September 2009 prior to the decision, and the applicant's share which was equivalent to EUR 15,000 was secured in a deposit account on 2 August 2016. Moreover, on 20 May 2016 a notification letter indicating that the due amount was secured in

a deposit account was sent. The revision decision in the name of the applicant's heirs and the documents required in order for the payment to be made are awaited.

**8. *Akacak v. Turkey (no. 413/13)***

On 27 February 2017 a notification letter was sent to the applicant indicating that he was required to submit documents pertaining to the payment. In the letter, it was also stated that in case the relevant information and documents were not submitted in time or they were insufficient, the due amount would be secured in a deposit account. On 6 May 2017 the amount to be paid was secured in a deposit account due to the failure of the applicant and his representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. On 23 May 2017, the applicant or his representative was acquainted with the situation. At present the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

**9. *Bakhtiarova ve Durmus v. Turkey (no. 74585/12)***

On 9 December 2016, the due amount was secured in a deposit account due to the failure of the applicants to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents provided were insufficient. On 16 January 2017, the applicants or their representative were acquainted with the situation. Subsequently, on 22 May 2017 the representative submitted the relevant documents and the due amount was transferred from the deposit account to the account given by the applicant/representative.

**10. *Bayram and Others v. Turkey (no. 37221/05)***

On 15 March 2017 the payment of the due amount jointly awarded in the decision was made. Moreover, in accordance with the revised decision rendered by the Court after the applicants' complaint about the payment, a second payment (EUR 4,875 + EUR 375) was made on 12 July 2017.

**11. *Cengiz and Saygikan v. Turkey (no. 26754/12)***

On 10 March 2017, a notification letter indicating that they were required to submit their documents pertaining to the payment was sent to the applicants. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. On 19 July 2017 the amount to be paid was secured in a deposit account due to the failure of the applicant/representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. Moreover, on 27 October 2017 a notification letter indicating that the due amount was secured in a deposit account was

sent. At present the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

***12. Cevikel v. Turkey (23121/15)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***13. Delibas v. Turkey (no. 34764/07)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***14. Demirtas v. Turkey (no. 63318/12)***

On 6 March 2017 a notification letter indicating that he was required to submit their documents pertaining to the payment was sent to the applicant. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. On 16 May 2017 the amount to be paid was secured in a deposit account due to the failure of the applicant/representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. Subsequently, on 22 May 2017, the applicant/representative was acquainted with the situation. At present the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

***15. Dindar v. Turkey (no. 13077/13)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***16. Ellis v. Turkey (no. 1065/06)***

The information requested by the Secretariat was provided in the action report sent with respect to the Ülger group of cases. In this respect, the applicant or his representative did not request the communication of the judgment from the relevant court. In the case, when the applicant or his representative requests the communication of the judgment from the relevant court, this opportunity will be provided pursuant to the legislation in force in Turkey. The Government considers that necessary measures were taken in respect of the following clause mentioned in the *Ellis* judgment of the Court: "*the respondent State shall, within three months*

*from the date on which the judgment becomes final, in accordance with Article 44 § 2 of the Convention, remove the obstacles to the enforcement of the impugned judgment, by taking all necessary measures to ensure that the writ of execution can be issued.”* In other words, as regards the *Ellis* judgment, the Government cannot be held responsible for the non-communication of the judgment since the applicants did not file a request in that regard.

***17. Gunay v. Turkey (no. 64794/12)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***18. Gunes v. Turkey (no. 47079/06)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***19. Gurakin v. Turkey (no. 1313/08)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***20. Guzelgul v. Turkey (65321/12)***

On 13 February 2017 a notification letter indicating that he was required to submit their documents pertaining to the payment was sent to the applicant. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. On 27 April 2017 the amount to be paid was secured in a deposit account due to the failure of the applicant/representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. Moreover, on 22 May 2017 a notification letter indicating that the due amount was secured in a deposit account was sent. Subsequently, on 26 February 2018 the representative submitted the relevant documents and the due amount was transferred from the deposit account to the account given by the applicant/representative.

***21. Hasan Yasar and Others v. Turkey (no. 50059/11)***

On 21 March 2017 a notification letter was sent to the applicant indicating that he was required to submit documents pertaining to the payment. It was found that the applicant Hasan YAŞAR died on 16 June 2014 before the decision was rendered. The due amount to be jointly

paid to the applicants was secured in a deposit account on 31 May 2017. On 27 October 2017, the applicant/representative was acquainted with the situation. At present, the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

***22. Holmatova and Others v. Turkey (14355/13)***

On 29 May 2017 a notification letter was sent to the applicant indicating that he was required to submit documents pertaining to the payment. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. On 16 August 2017 the due amount was secured in a deposit account due to the failure of the applicant/representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents provided were insufficient. On 27 October 2017, the applicant/representative was acquainted with the situation. At present the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

***23. Inan v. Turkey (no. 40757/10)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***24. Isilakli v. Turkey (no. 28477/11)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***25. Karakoyun and Others v. Turkey (no. 44205/04)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***26. Kesinturk v. Turkey (no. 49864/12)***

On 29 May 2017 a notification letter indicating that they were required to submit their documents pertaining to the payment was sent to the applicant. In the letter, it was also stated that in case the relevant information and documents are not submitted in time or they are insufficient, the due amount would be secured in a deposit account. On 16 August 2017 the amount to be paid was secured in a deposit account due to the failure of the applicants/representatives to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. Moreover, on 27

October 2017 a notification letter indicating that the due amount was secured in a deposit account was sent. At present, the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

***27. Kok v. Turkey (no. 42289/11)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***28. Musayev v. Turkey (no. 20295/13 )***

A notification letter indicating that he was required to submit his documents pertaining to the payment was sent to the applicant. On 9 December 2016 the amount to be paid was secured in a deposit account due to the failure of the applicants/representatives to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents given were insufficient. Moreover, on 16 January 2017 a notification letter indicating that the due amount was secured in a deposit account was sent. At present the applicant's filing a request for the payment of the due amount as well as his submission of the required documents are awaited.

***29. Ozsoy v. Turkey (no. 30953/09)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***30. Sarigul v. Turkey (no. 28691/05)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***31. Ugurlu v. Turkey (no. 26437/08)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

***32. Unal v. Turkey (no. 61981/09)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

### **33. *Yasar v. Turkey (no. 1236/09)***

The just satisfaction awarded by the Court was paid within the deadline set by the Court. On 20 March 2018, forms indicating the completion of the payment were sent to the Secretariat. Moreover, on 13 April 2018 the forms were sent again.

### **34. *Camyar and Berktas v. Turkey (no. 41959/02)***

On 24 April 2017, the interest amount of 125,14 Euros was secured in a deposit account due to the failure of the applicants or their representative to submit all the relevant documents in order to be able to receive the payment or to the fact that the documents presented were insufficient. In addition, On 17 May 2017, a notification letter indicating that the said amount was secured in a deposit account was sent to the applicants' representative. Subsequently, on 24 November 2017, the amount was transferred from the deposit account to the account given by the applicants' representative.

### **Other cases;**

In addition, as can be seen from the table for 18 cases, the interest amounts expected to be paid are below 100 euros and the applicants have neither objected to the delay in payment nor requested the payment of the interest amounts. The Turkish authorities therefore consider, in accordance with the Committee of Ministers' practice, that the delayed payment in these cases should not prevent their closure. (see, in particular, Resolution CM/ResDH(2014)298 concerning Ormancı group of cases against Turkey as well as Resolution CM/ResDH(2016)35 concerning Atanasović group of cases against "the former Yugoslav Republic of Macedonia").

	<b>Application No.</b>	<b>Case Title/State</b>	<b>Payment deadline</b>	<b>Date of payment</b>	<b>Outstanding default interest</b>
<b>1</b>	<b>770/04</b>	ALPHAN v. Turkey	08/08/2011	09/09/2011	<b>EUR 63.44</b>
<b>2</b>	<b>17561/04</b>	AŞICI and Others v. Turkey	15/12/2010	30/12/2010	<b>EUR 45.68</b>
<b>3</b>	<b>26625/04</b>	AŞICI v. Turkey	16/09/2010	15/10/2010	<b>EUR 45,29</b>
<b>4</b>	<b>35364/05</b>	ERGEN and OTHERS v. Turkey	07/06/2011	06/07/2011	<b>EUR 57.21</b>
<b>5</b>	<b>28003/03</b>	HADEP and DEMİR v. Turkey	14/06/2011	06/07/2011	<b>EUR 78.96</b>
<b>6</b>	<b>24470/09</b>	HAVVA DUDU ALBAYRAK AND OTHERS v. Turkey	21/12/2011	28/12/2011	<b>EUR 25.51</b>
<b>7</b>	<b>14019/07</b>	KELOĞLAN and Others v. Turkey	31/08/2011	14/09/2011	<b>EUR 47.32</b>
<b>8</b>	<b>4517/04</b>	KILICGEDİK w. Turkey	14/06/2011	06/07/2011	<b>EUR 17.30</b>
<b>9</b>	<b>52154/07</b>	KIZIROGLU v. Turkey	08/06/2011	05/07/2011	<b>EUR 24.04</b>
<b>10</b>	<b>46134/08</b>	MOGHADDASv. Turkey	15/08/2011	13/09/2011	<b>EUR 52.14</b>

<b>11</b>	<b>43504/04</b>	SULTAN ÖNER v. Turkey	14/06/2011	06/07/2011	<b>EUR 69.32</b>
<b>12</b>	<b>34805/06</b>	T.C. and H.C. v. Turkey	26/01/2012	14/02/2012	<b>EUR 51.58</b>
<b>13</b>	<b>16853/05</b>	TEMEL v. Turkey	01/08/2011	07/09/2011	<b>EUR 85.15</b>
<b>14</b>	<b>12503/06</b>	TIMTIK v. Turkey	09/05/2011	03/06/2011	<b>EUR 28.08</b>
<b>15</b>	<b>12903/02</b>	TUNCER v. Turkey	08/08/2011	09/09/2011	<b>EUR 83.31</b>
<b>16</b>	<b>28234/06</b>	UĞUR AND ABI v. Turkey	21/12/2011	28/12/2011	<b>EUR 21.41</b>
<b>17</b>	<b>24874/04</b>	UNSAL OZTURK v. Turkey (no. 2)	08/08/2011	09/09/2011	<b>EUR 48.33</b>
<b>18</b>	<b>27566/06</b>	YILMAZ v. Turkey	28/05/2011	06/06/2011	<b>EUR 18.49</b>