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Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Plan (11/10/2024)

Communication from Türkiye concerning the case of Nadir Yildirim and Others v. Türkiye (Application No. 39712/16)

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Réunion : 1514^e réunion (décembre 2024) (DH)

Référence du point : Plan d'action (11/10/2024)

Communication de la Türkiye concernant l'affaire Nadir Yildirim et autres c. Türkiye (requête n° 39712/16)
(anglais uniquement)

ACTION PLAN

Nadir Yıldırım and Others v. Türkiye (no. 39712/16)

Judgment of 28 November 2023 and Final on 8 April 2024

I. CASE DESCRIPTION

1. The case concerns a violation of the presumption of innocence by virtue of the wording used by trial court president -implying that the applicants had committed the offences imputed to them- in investigatory reports (*fezleke*) drawn up for the lifting of the applicants' parliamentary immunity within the context of a criminal case brought against them (Article 6 § 2).

II. INDIVIDUAL MEASURES

Just Satisfaction

2. The Court did not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejected this claim.

3. The Court awarded each applicant EUR 7,800 in respect of non-pecuniary damage. It also awarded the sum of EUR 2,000 to the applicants jointly for costs and expenses.

4. These amounts were paid to the applicants within the deadline set forth by the Court. Payment information was published on HUDOC-EXEC.

5. In view of the nature of the violation established by the Court, the authorities consider that no further individual measures, apart from the payment of just satisfaction, are necessary in the present case.

III. GENERAL MEASURES

6. The Turkish authorities will keep the Committee of Ministers ("the CM") informed, in due time, of the general measures taken/envisaged with a view to preventing similar violations.

Publication and dissemination measures

7. The judgment was translated in Turkish and published on the Court's official website.

8. In addition, the Turkish authorities ensured that the translated text of the judgment, with an explanatory note, was circulated to the relevant judicial authorities, the Constitutional Court, the Court of Cassation, the Human Rights and Equality Institution of Türkiye and the Ombudsman Institution.

IV. CONCLUSIONS

9. The CM will be duly informed of the general measures in due time.