

Resolution CM/ResDH(2024)323

Execution of the judgments of the European Court of Human Rights

Three cases against Türkiye

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
41246/98	ÜNAL AKPINAR İNŞAAT İMALAT SANAYİ VE TİCARET S.A. AND AKPINAR YAPI SANAYİ S.A.	26/05/2009 08/09/2015	06/11/2009 01/02/2016
14710/03	YEREBASMAZ	10/10/2006	10/01/2007
3595/05	BOZÜYÜK	19/01/2010	19/04/2010

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”),

Having regard to the final judgments transmitted by the Court to the Committee in these cases and to the violations of Article 6, paragraph 1, and/or Article 1 of Prot. No.1 of the Convention established on account of the non-enforcement or delayed enforcement of final domestic judicial decisions delivered against entities owned or controlled by the State;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action reports provided by the government, indicating the individual measures adopted to execute the judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents DH-DD(2023)1347, DH-DD(2024)1066 and DH-DD(2024)1082);

Considering that the question of individual measures was resolved, given that just satisfaction amounts awarded by the Court were paid to the applicants in the cases of *Ünal Akpınar İnşaat Sanayi Turizm Madencilik ve Ticaret S.A* and *Yerebasmaz*, and the domestic decision was enforced in the case of *Bozüyük*;

Recalling that the question of general measures required in response to the shortcomings found by the Court in these judgments continues to be examined within the framework of the *Kılıç* (38473/02) group of cases, also in the light of the Court's findings in these cases, and that the closure of these cases therefore in no way prejudices the Committee's evaluation of the general measures required;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures concerning the failure of national authorities to duly and/or timely enforce domestic court decisions in the *Kılıç* (38473/02) group of cases;

DECIDES to close the examination of these cases.