

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Christophe Poiriel
Tel: 03 88 41 23 30

Date: 22/03/2018

DH-DD(2018)292

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

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

Item reference: Action plan (16/03/2018)

Communication from Turkey concerning the case of Genc and Demirkan v. Turkey (Application No. 34327/06)

* * * * *

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^e réunion (juin 2018) (DH)

Référence du point : Plan d'action

Communication de la Turquie concernant l'affaire Genc et Demirkan c. Turquie (Requête n° 34327/06)
(anglais uniquement)

Ankara, March 2018

ACTION PLAN

Genc and Demirgan v. TURKEY (34327/06 and 45165/06)

Judgment of 10 October 2017, final on 10 October 2017

I. CASE DESCRIPTION

1. The case concerns violations of the applicants' right to their private and family life and right to a fair trial due to decisions by the executive authorities to allow continuation of a gold-mining operation in Ovacık using a sodium cyanide leaching process, in contravention of a Supreme Administrative Court decision annulling the operation permit on account of the risk to the local ecosystem and to human health and safety posed by the chemicals.(Article 6 and 8)

II. INDIVIDUAL MEASURES

Just Satisfaction

2. 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 within the deadline set by the Court.

III. GENERAL MEASURES

3. The violation at hand was classified as a repetitive case and taken to supervise under *Taşkın* (46117/99) case by the Committee of Ministers which determined directly relevant to the violation found the case at hand. The further general measures therefore will be examined under that group of cases, save for below measures.

Publication and Dissemination of the Judgment:

4. The Turkish authorities ensured that the Court's judgments were translated in Turkish and published on its official website which have been made available to the public and legal professionals alike (<http://hudoc.echr.coe.int/tur?i=001-180818>)

5. The judgment has been circulated to the Constitutional Court, the Supreme Administrative Court, the Court of Cassation, the Ministry of Environment and Urbanization, the Turkish Institution of Human Rights and Equality and the Ombudsman Institution.

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

IV. CONCLUSION

7. The Turkish authorities would like to express that the case at hand is examined under *Taşkın (46117/99)* case by the Committee of Ministers. The Committee of Ministers will be duly informed of the execution of this judgment and general measures to be taken for prevention of the similar violations.