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

Item reference: Action report (12/04/2018)

Communication from Turkey concerning the case of BAGLAR v. Turkey (Application No. 40708/11)

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

Référence du point : Bilan d'action

Communication de la Turquie concernant l'affaire BAGLAR c. Turquie (requête n° 40708/11)
(anglais uniquement)

Ankara, April 2018

ACTION PLAN



Bağlar v. TURKEY (40708/11)

Judgment of 10 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.

4. The applicant did not submit a claim for just satisfaction within the time-limit set by the Court. Accordingly, the Court did not award any sum.

5. On the other hand, the authorities have asked whether the applicant had filed a compensation claim and, if so, what the result of the proceeding is. There is no information indicating that a compensation claim was filed. In addition to that the applicant is not currently under detention.

III. GENERAL MEASURES

6. 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).

7. 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:

8. The explanatory note about the European Court's findings in the judgment has been transmitted to the Council of Judges and Prosecutors, the domestic court involved in this case as well as to other relevant courts such as the Court of Cassation and the Constitutional Court, and relevant institutions.

IV. CONCLUSION

9. 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.

10. 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).

11. 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.