



H/Exec(2016)4 – 23 February 2016

Kasa and Erdoğan groups of cases against Turkey (Applications No. 45902/99, 19807/92)

Overview of the state of investigations

Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights

The opinions expressed in this document are binding on neither the Committee of Ministers nor the European Court

This document contains an overview of the state of investigations in the cases supervised by the Committee of Ministers in the *Kasa and Erdogan groups* of cases against Turkey.

Application No Date of final judgment	Case name	State of investigations
KASA GROUP		
45902/99 20/08/2008	KASA	Information is awaited.
11117/07 25/06/2014	KARAHAN	The applicant did not request the reopening of the investigation although he had the right to do so under the amended Code of Criminal Procedure.
15762/10 03/12/2013	CADIROĞLU	Information is awaited.
16281/10 12/06/2013	AYDAN	Information is awaited.
16585/08 15/10/2014	ÇORAMAN	Criminal proceedings against the police officer which were pending at the time the European Court delivered its judgment ended on 15 February 2013. The domestic court found the police officer guilty under Articles 86§1 and 256 of the Turkish Criminal Code for causing intentional bodily harm by a public official in abuse of the powers vested in him and sentenced him to one year imprisonment. The court applied discretionary mitigation on the grounds of the police officer's good behavior during hearings, negative effects of a possible imprisonment sentence on his career, his positive criminal record and a friendly settlement reached between the applicant and the police officer. The court consequently suspended the pronouncement of the sentence for five years.
22965/10 08/10/201	YURTSEVER AND OTHERS	Information is awaited.
23038/07 05/09/2012	ULUFER	Information is awaited.
24827/05 23/07/2013	KÜLAH AND KOYUNCU	Information is awaited.
33647/04 02/06/2014	ORUK	The applicant did not request the reopening of the investigation although he had the right to do so under the amended Code of Criminal Procedure.
34783/07 16/10/2013	ABİK	Information is awaited.
54241/08 02/06/2014	CAMEKAN	Information is awaited.
59177/10 08/10/2014	YERLİ	Information is awaited.
651/10 25/05/2014	MAKBULE KAYMAZ AND OTHERS	The applicants' request for reopening of the investigation was rejected. No information was provided on the grounds for the rejection.
7524/06+ 15/07/2014 17/06/2015	CÜLAZ AND OTHERS	The public prosecutor lodged an indictment on 12 June 2013 against members of security forces. On 3 July 2015 the trial court acquitted the members of security forces on the ground that they were not responsible for the disappearance and presumed death of the applicants' relatives. The appeal lodged by the applicants is currently pending before the Court of Cassation.

8656/10 14/04/2014	KASAP AND OTHERS	The proceedings against the police officer who was accused of shooting the applicants' son were re-opened. In 2009, the competent assize court found the police officer guilty of negligent homicide. However, the court suspended the pronouncement of the sentence for 5 years on account of the fact that the police officer did not have any previous criminal record and that he was unlikely to commit another crime. No information has been provided as to whether appeal proceedings were lodged before the Court of Cassation.
4100/10 17/06/2015	ŞÜKRÜ YILDIZ	The applicant has the right to request the reopening of investigation until 17 June 2016.
44188/09 23/09/2014	SALİN AND KARŞIN	Information is awaited.
ERDOĞAN GROUP		
19807/92 13/09/2006	ERDOĞAN AND OTHERS	The authorities indicated that the applicants did not request the reopening of the investigation.
23502/06 24/03/2014 13/04/2015	BENZER AND OTHERS	On 9 April 2014 the military public prosecutor issued a decision of non-prosecution on the ground that the investigation of the crime in question is time-barred.
40073/98 27/10/2006	BILGIN IHSAN	The authorities indicated that the applicants did not request the reopening of the investigation.
24589/04 08/07/2013	BOZKIR AND OTHERS	Information is awaited.
44125/06 02/10/2013 10/09/2014	GÜLBAHAR ÖZER AND OTHERS	Information is awaited.
3598/03 16/07/2013 16/12/2014	MERYEM ÇELİK AND OTHERS	Information is awaited.
24604/04 23/01/2013	NİHAYET ARICI AND OTHERS	In September 2015 the public prosecutor requested a ballistic examination of the cartridges found on-site. The ballistic report along with all other evidence was sent to the Criminal Department of the Gendarmerie on 15 October 2015 for comparison with the archive files. The investigation is pending.
52534/09 26/02/2014	TAYDAŞ	Information is awaited.
13660/05 10/03/2014	TEKÇİ AND OTHERS	In May 2011 the competent public prosecutor lodged an indictment against the members of the security forces who were accused of killing the applicants' son. In September 2015 the members of the security forces were acquitted on account of lack evidence. The appeal proceedings are pending before the Court of Cassation.
62279/09 23/12/2014	ATİMAN	Investigation initiated by the public prosecutor, on an unspecified date in 2015, is pending.
44814/07 09/03/2015	KADRİ BUDAK	Information is awaited.

37715/11 27/04/2015	SAYGI	Following the Court's judgment in the present case, the public prosecutor reopened the investigation on an unspecified date in 2015. The investigation is still pending.
19222/09 24/06/2015	SÜLEYMAN DEMİR AND HASAN DEMİR	The applicants have the right to request for reopening of the investigation until 24 June 2016.