



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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ERZİNCAN
TURKEY

DEUXIÈME SECTION

CEDH-LF0.1cR
SY/ndu

Strasbourg, le 12 mars 2021

Requête n° 38338/12
Yakar et autres c. Turquie

Maître,

Je vous adresse ci-joint, pour information, une lettre que m'a fait parvenir le Gouvernement concernant la requête précitée.

Veuillez agréer, Maître, l'assurance de ma considération distinguée.

S. Naismith

S. Naismith
Greffier de section

P.J.



REPUBLIC OF TURKEY
MINISTRY OF JUSTICE
Department of Human Rights

51407258-3.7.187.2013

Yakar and others v. Turkey (38338/12)

Ankara, 09 March 2021
BY E-TRANSMISSION ONLY

Mr Registrar,

I enclose herewith the observations of the Turkish Government on the additional observations of the above-mentioned application.

Please accept, Mr Registrar, the assurances of my high consideration.

Ömer YILMAZ

Deputy Co-Agent of the Government of the Republic of Turkey

Encl.: As stated

Mr Stanley NAISMITH
Registrar of the Second Section
European Court of Human Rights
Council of Europe

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**THE RESPONSE OF
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
TO THE DOCUMENTS BY THE APPLICANTS TO
THE EUROPEAN COURT OF HUMAN RIGHTS
CONCERNING THE APPLICATION
YAKAR AND OTHERS v. TURKEY (no. 38338/12)**

Date: 09 March 2021

1. By letter from the European Court of Human Rights ("the Court") dated 19 February 2021, certain information and observations of the Government of the Republic of Turkey (hereinafter "the Turkish Government" or "the Government") have been sought on the additional questions concerning the application *Yakar and others v. Turkey, no. 38338/12*.

2. In this regard, the Government has the honour to submit to the Court the following observations:

3. By its letter dated 20 January 2021, the Court asked the Government whether the decision of the Tunceli Magistrates' Court ("Magistrates' Court"), dated 24 November 2014 and numbered 2014/286, was executed. In this context, the government submitted its further observations to the Court on 18 February 2021.

4. By its letter dated 19 February 2021, the Court invited the Government to make comments on the applicants' letter of 21 January 2021.

5. In this context, the Government would like to submit to the Court the following observations:

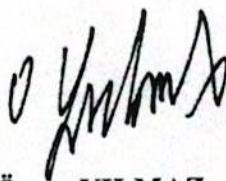
6. The government first reiterates that the investigation which is the subject matter of the question asked by the Court on 20 January 2021 and the decision of the Magistrate's Court is not relevant to the present application. Moreover, the Government brings to the attention of the Court the fact that there was no circumstance that would require the investigation which is the subject matter of the relevant the question to have an effect on the present application. As a matter of fact, there were similar aspects of what was put forward in the applicant's letter dated 21 January 2021 and the issues raised by the Government in its letter dated 18 February 2021.

7. In addition, the Government reiterates its objections to the admissibility of the application in the observations dated 24 March 2014. It follows that the applicants only applied to the Prosecutor's Office with the request of the determination of their alleged murdered relative and the receipt of the deceased for funeral. The applicants have the opportunity to apply to the administrative authorities, especially the relevant Municipality and Governorship, pursuant to the Public Health Law No. 1593 by means of submitting a petition. Furthermore, although the applicants had the right to request discovery of evidence before the civil courts, they did not avail themselves of this remedy either. For that reason, the

Government kindly invites the Court to declare inadmissible the present application lodged by the applicants without effective and available domestic remedies having been exhausted.

8. Lastly, the Government observes that the applicants' lawyer did not inform the Court of the deaths of the applicants Canpolat Yakar, Haydar Gökdemir, Hatice Dolu and Rıza Dolu in the observations dated 21 January 2021. As regards the applicants who died, the Government invites the Court to strike the present application out of its list of cases pursuant to Article 37 § 1 (c) of the Convention on the basis of the birth registration documents annexed to the Government observations dated 18 February 2021.

1..March 2021



Ömer YILMAZ

Deputy co-Agent of the Government of the Republic of Turkey