

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

SECOND SECTION

DECISION

Application no. 8253/21
Mehmet AKŞİT
against Türkiye

The European Court of Human Rights (Second Section), sitting on 3 February 2026 as a Committee composed of:

Jovan Ilievski*, President*,
Gediminas Sagatys,
Hugh Mercer*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 8253/21) against the Republic of Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 22 January 2021 by a Turkish national, Mr Mehmet Akşit ("the applicant"), who was born in 1980, lives in İzmir and was represented by Ms Y. Ersoy, a lawyer practising in İzmir;

the decision to give notice of the complaint concerning the prison administration's prohibition of visits at weekends, under Article 8 of the Convention, to the Turkish Government ("the Government"), represented by their Agent, Mr Abdullah Aydın, Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the decision of a prison administration taken in 2018 to prohibit visits at weekends. The applicant complained of his inability to maintain contact with his school-age children on account of the prohibition in question.

2. At the time of the events giving rise to the present application, the applicant was detained in İzmir T-Type Prison.

3. On 26 September 2018 the administration of İzmir T-Type Prison ("the prison administration") issued a general decision not to allow visits during weekends, relying on reasons such as overcrowding in the prison, shortage of staff during the weekends and security concerns.

4. The applicant lodged a complaint with the Karşıyaka enforcement judge, requesting that the judge order the prison administration to allow weekend visits. On 26 October 2018 the Karşıyaka enforcement judge dismissed the applicant's request, finding the decision of the prison administration to be in accordance with both the law and the security needs of the prison. On 13 November 2018 the Karşıyaka Assize Court dismissed an objection raised by the applicant against that decision.

5. According to the applicant's submissions in his application to the Court, he lodged an individual application with the Constitutional Court following those proceedings, which was dismissed on 16 July 2020 as manifestly ill-founded.

6. According to the Government's submissions, the applicant never lodged an individual application with the Constitutional Court in respect of the Karşıyaka Assize Court's decision of 13 November 2018. The Government submitted that on 16 October 2019 the prison administration had issued a new decision regarding weekend visits. The applicant had lodged a complaint against that decision with the Karşıyaka enforcement judge, which had been dismissed on 25 November 2019. On the same date an objection raised by the applicant against the judge's decision had been dismissed by the Karşıyaka Assize Court. The Government argued that the individual application leading to the Constitutional Court's decision of 16 July 2020 – which had been mentioned by the applicant in his application form to the Court – had been lodged following the Karşıyaka Assize Court's decision of 25 November 2019, and that it had concerned the second set of judicial proceedings.

7. Relying on Article 8 of the Convention, the applicant complained that his right to respect for his private and family life had been violated as a result of the decision of the prison administration of 26 September 2018, confirmed on appeal, to restrict his visiting rights with his children at weekends.

THE COURT'S ASSESSMENT

8. The Government raised an objection of non-exhaustion of domestic remedies. They submitted that the applicant had not lodged an individual application with the Constitutional Court following the domestic authorities' decisions he complained of and invited the Court to declare the application inadmissible for non-exhaustion of domestic remedies. According to their submissions, the Constitutional Court's decision of 16 July 2020 – a copy of

which the applicant submitted to the Court – did not concern the judicial proceedings that had been initiated against the prison administration's decision of 26 September 2018, but rather the judicial proceedings that had been initiated against the prison administration's decision of 16 October 2019 (see paragraph 6 above). In support of that argument, they submitted a document showing that the applicant had been notified of the Karşıyaka Assize Court's decision of 13 November 2018 on 29 January 2019, together with the first page of the individual application form showing that the application was submitted by the applicant to the Constitutional Court on 3 January 2020. Accordingly, they argued that if the applicant's individual application had indeed been lodged in respect of the Karşıyaka Assize Court's rejection decision of 13 November 2018 (as claimed by him in the application form to the Court), it would have been declared inadmissible by the Constitutional Court for failure to comply with the 30-day time-limit prescribed by law.

9. The applicant did not specifically comment on this objection, and simply argued that he had lodged his individual application with the Constitutional Court in compliance with the prescribed time-limit.

10. The Court observes upon examination of the documents submitted by the Government that the applicant lodged his individual application with the Constitutional Court in respect of the judicial proceedings that he had brought against the prison administration's decision of 16 October 2019. However, as stressed also by the Government, the present application concerns his complaints regarding the prison administration's decision of 26 September 2018, confirmed by the Karşıyaka enforcement judge and Assize Court in 2018. This is evident both from the application form and from the copies of documents submitted by the applicant in support of his application. The Court further observes that the applicant failed to provide any explanation or supporting documentation to the contrary. Therefore, the applicant failed to demonstrate that he lodged an individual application with the Constitutional Court in respect of the judicial proceedings initiated by him against the decision of the prison administration that forms the subject matter of the present application.

11. Accordingly, the Court upholds the Government's objection.

12. In view of the foregoing, the Court declares the application inadmissible for non-exhaustion of domestic remedies, pursuant to Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 5 March 2026.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President