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

SECOND SECTION

DECISION

Application no. 14046/05
Murat ARSLANOĞLU against Turkey
and 124 other applications
(see list appended)

The European Court of Human Rights (Second Section), sitting on 11 October 2016 as a Committee composed of:

Nebojša Vučinić, *President,*
Valeriu Griţco,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having deliberated, decides as follows:

THE FACTS

1. A list of the applicants and their representatives are set out in the appendix. The Turkish Government ("the Government") were represented by their Agent.

A. The circumstances of the case

2. The facts of the case, as submitted by the parties, may be summarised as follows.

3. The applicants were all serving their prison sentences or were in pre-trial detention when the present applications were lodged. Disciplinary boards of respective prisons decided to impose on the applicants' correspondence several types of monitoring measures such as stopping, destroying or censoring their private letters.

4. The applicants challenged the prison authorities' decisions before the enforcement judges and the assize courts respectively. The domestic courts dismissed the applicants' objections and ruled that the impugned restrictions were consistent with the domestic laws and regulations and were justified by reasons of order and security in the prisons, prevention of offences and protection of third parties.

B. Relevant domestic law

5. A description of the domestic law regarding the new remedy introduced by Law no. 6384 can be found in *Sayan v. Turkey* (dec.), no. 49460/11, §§ 6-12, 14 June 2016).

COMPLAINTS

6. The applicants invoked Articles 8, 9, 10 and/or 14 of the Convention and complained that the restrictions imposed on their correspondence breached, in a discriminatory manner, their right to respect for their correspondence solely or together with their right to freedom of thought and their right to free expression. Some of the applicants also invoked Articles 6 and 13 of the Convention and complained about the ineffectiveness and unfairness of the procedures before the national courts. Finally, based on the same facts some of the applicants invoked Articles 1, 3, 5, 7, 17 and 18 of the Convention, Article 1 of Protocol No. 12 and Protocols nos. 4, 6, 7 and 13.

THE LAW

7. Having regard to the similar subject matter of the applications, at the outset the Court finds it appropriate to examine them jointly in a single decision.

8. The Court will examine the applications solely from the standpoint of Article 8 of the Convention (see *Asan v. Turkey* (dec.), no. 38453/09, 30 August 2016).

9. The Government noted that pursuant to Law no. 6384 a new Compensation Commission had been established to deal with applications concerning the length of proceedings and the non-execution of judgments. They further noted that the competence of the Compensation Commission was subsequently enlarged by a decree adopted on 9 March 2016 to examine complaints relating to, among other things, the alleged breach of the right to respect for correspondence of detainees or convicted persons, on

account of the prison administration's refusal to receive or send letters or similar correspondence that are drafted in Turkish. Accordingly, they maintained that the applicants had not exhausted domestic remedies, as they had not made any application to the Compensation Commission.

10. The Court has examined similar applications against Turkey on several occasions and found a violation of Article 8 of the Convention on the grounds that the interference was not "in accordance with the law" (see *Tan v. Turkey*, no. 9460/03, §§ 24-26, 3 July 2007, and *Tur v. Turkey*, no. 13692/03, §§ 23-25, 11 June 2013) or was not "necessary in a democratic society" (see *Fazıl Ahmet Tamer v. Turkey*, no. 6289/02, §§ 54-56, 5 December 2006, and *Mehmet Nuri Özen v. Turkey*, no. 37619/05, §§ 18-19, 2 February 2010).

11. Furthermore, the Court also notes that in its decision in the case of *Ümmühan Kaplan* (no. 24240/07, § 77, 20 March 2012), it stressed that it could nevertheless examine, under its normal procedure, applications of that type which had already been communicated to the Government. However, taking into account the Government's objection with regard to the applicants' failure to make use of the new domestic remedy established by Law no. 6384, the Court reiterates its conclusion in the cases of *Turgut and Others v. Turkey* ((dec.), no. 4860/09, §§ 47-59, 26 March 2013); *Çakır and Others v. Turkey* ((dec.), no. 51274/07, § 6, 25 June 2013); *Yöyler and Others v. Turkey* ((dec.), no. 10783/07, §§ 11-13, 16 December 2014); *Yıldız and Yanak* ((dec.), no. 44013/07, § 29-38, 27 May 2014); and *Sayan v. Turkey* ((dec.), no. 49460/11, 14 June 2016).

12. In view of the above, the Court concludes that the applications should be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 17 November 2016.

Hasan Bakırcı
Deputy Registrar

Nebojša Vučinić
President

APPENDIX

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	14046/05	05/04/2005	**Murat ARSLANOĞLU** 18/05/1968 Karaman	
2.	27932/05	25/02/2005	**Suat DUMAN** 28/07/1970 İzmir	Mehmet ERBİL
3.	49196/06	21/11/2006	**Muhittin ALTIN** 30/03/1974 Kırıkkale	
4.	16487/07	03/04/2007	**Recep BEKİK** 15/09/1969 Ankara	
5.	20926/07	15/03/2007	**Erhan KAYA** 16/10/1970 Erzurum	
6.	22255/07	21/05/2007	**Erdener DEMİREL** 21/11/1980 Tekirdağ	Metin FİLORİNALI
7.	26251/07	21/05/2007	**Vahdettin BUDAK** 03/04/1977 İzmir	
8.	27105/07	15/06/2007	**Mehmet Şerif ÖNER** 01/01/1975 İzmir	Türkan ASLAN
9.	27672/07	20/06/2007	**Ahmet KAYA** 02/03/1957 Kars	
10.	34450/07	09/07/2007	**Mehmet Reşit ARSLAN** 01/06/1966 Ankara	

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
11.	39135/07	23/08/2007	**Diyadin AKDEMİR** 01/01/1974 Kocaeli	İnan AKMEŞE
12.	40904/07	06/09/2007	**Abdullah KANAT** 22/07/1956 Diyarbakır	Abdullah AKIN
13.	43819/07	25/09/2007	**Kenan KARAASLAN** 18/12/1966 Bolu	Murat VARGÜN
14.	52333/07	30/10/2007	**Metin YAMALAK** 10/06/1980 Bolu	Mehmet ERBİL
15.	56448/07	27/11/2007	**Ahmet KAYA** 02/03/1957 Kars	
16.	6560/08	23/01/2008	**Abdi CANGI** 17/07/1971 Tekirdağ	Oya ASLAN
17.	8267/08	07/02/2008	**Mehmet DESDE** 05/01/1959 Berlin	Çetin BİNGÖLBALI
18.	11135/08	07/02/2008	**Hüseyin Habip TAŞKIN** 17/11/1960 İzmir	Çetin BİNGÖLBALI
19.	13042/08	04/03/2008	**Eyüp TURĞAY** 22/04/1972 Ankara	Murat VARGÜN
20.	13693/08	07/02/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
21.	13713/08	07/02/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
22.	13715/08	07/02/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
23.	13724/08	07/02/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
24.	13726/08	07/02/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
25.	13730/08	07/02/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
26.	14014/08	28/02/2008	**Abdullah AYDIN** 01/03/1971 Şanlıurfa	
27.	14814/08	07/03/2008	**Ali Rıza KALAN** 25/10/1973 Bolu	Mehmet ERBİL
28.	14949/08	12/03/2008	**Murat KARAYEL** 10/05/1971 Kırıkkale	Fazıl Ahmet TAMER
29.	15647/08	04/03/2008	**Turgut KOYUNCU** 10/10/1974 İzmir	Hesin DURSUN
30.	15952/08	04/03/2008	**Gültekin AYDEMİR** 03/04/1973 İzmir	
31.	16331/08	21/03/2008	**Mehmet Sabri YAKUT** 02/03/1974 Erzincan	
32.	16614/08	14/03/2008	**Hüseyin BİLGE** 01/01/1968 Şanlıurfa	

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
33.	17441/08	06/03/2008	**Soncan GEDİK** 14/08/1967 Antalya	Murat VARGÜN
34.	17442/08	06/03/2008	**Soncan GEDİK** 14/08/1967 Antalya	Murat VARGÜN
35.	17443/08	25/03/2008	**Soncan GEDİK** 14/08/1967 Antalya	Murat VARGÜN
36.	19430/08	05/12/2005	**Musa ŞANAK** 11/12/1964 Ankara	Sinem COŞKUN
37.	19437/08	21/06/2005	**Fethi OKTAY** 01/01/1968 Bolu	
38.	19627/08	25/03/2008	**Kemal YİĞİT** 20/10/1982 İzmir	Esin ASLAN
39.	19636/08	01/04/2008	**Hayati KAYTAN** 01/05/1968 Ankara	Murat VARGÜN
40.	19641/08	01/04/2008	**Süleyman TATAR** 02/04/1970 Ankara	Fazıl Ahmet TAMER
41.	20551/08	17/03/2008	**Turgut KOYUNCU** 10/10/1974 İzmir	Hesin DURSUN
42.	25947/08	01/05/2008	**Sinan TÜRKMAN** 01/01/1966 Bolu	
43.	26967/08	15/05/2008	**Mehmet Nuri ÖZEN** 10/05/1976 İzmir	
44.	27164/08	02/04/2008	**Abdullah AYDIN** 01/03/1971 Şanlıurfa	

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
45.	28234/08	27/05/2008	**Mesut YURTSEVER** 12/02/1974 Bolu	Faik Özgür EROL
46.	28403/08	13/05/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
47.	28407/08	13/05/2008	**Serhat ÇETİNER** 23/10/1972 Kırıkkale	Sertaç ÇETİNER
48.	29210/08	07/04/2008	**Hüseyin BİLGE** 01/01/1968 Şanlıurfa	
49.	29327/08	26/05/2008	**Turgut KOYUNCU** 10/10/1974 İzmir	Hesin DURSUN
50.	30532/08	16/06/2008	**Fevzi ABO** 01/01/1985 Tekirdağ	Mehmet ERBİL
51.	31951/08	02/04/2008	**Hasan OZAN** 02/01/1961 Antalya	Ercan KANAR
52.	32534/08	18/06/2008	**Mehmet Emin EKİNCİ** 20/04/1986 Tekirdağ	İnan AKMEŞE
53.	32631/08	07/07/2008	**Hasan OZAN** 02/01/1961 Edirne	Ercan KANAR
54.	32727/08	27/05/2008	**Ali BALIN** 15/11/1980 İzmir	
55.	36811/08	15/04/2008	**Mehmet Çelebi ÇALAN** 01/09/1967 Ankara	Murat VARGÜN

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
56.	36823/08	15/04/2008	**Mehmet Çelebi ÇALAN** 01/09/1967 Ankara	Murat VARGÜN
57.	36863/08	07/04/2008	**Hüseyin BİLGE** 01/01/1968 Şanlıurfa	
58.	36864/08	07/04/2008	**Hüseyin BİLGE** 01/01/1968 Şanlıurfa	
59.	36893/08	15/04/2008	**Mehmet Çelebi ÇALAN** 01/09/1967 Ankara	Murat VARGÜN
60.	36921/08	15/04/2008	**Mehmet Çelebi ÇALAN** 01/09/1967 Ankara	Murat VARGÜN
61.	36932/08	24/06/2008	**Mehmet Çelebi ÇALAN** 01/09/1967 Ankara	Murat VARGÜN
62.	36944/08	24/06/2008	**Mehmet Çelebi ÇALAN** 01/09/1967 Ankara	Murat VARGÜN
63.	37938/08	31/07/2008	**Şehmus YILDIZ** 01/05/1974 Adıyaman	Ünsal TANRIVERDİ
64.	37939/08	31/07/2008	**Kutsi ÇAĞIŞ** 03/03/1968 Adıyaman	Ünsal TANRIVERDİ
65.	37940/08	31/07/2008	**İbrahim ATEŞ** 01/01/1975 Balıkesir	Ünsal TANRIVERDİ
66.	37941/08	31/07/2008	**Veysel AVCI** 10/05/1970 Karabük	Ünsal TANRIVERDİ

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
67.	37942/08	31/07/2008	**Ahmet MUSTAFA** 24/06/1975 Adıyaman	Ünsal TANRIVERDİ
68.	37943/08	31/07/2008	**Aydın KUDAT** 01/01/1969 Adıyaman	
69.	37944/08	31/07/2008	**Yusuf KARANLIK** 12/04/1969 Adıyaman	Ünsal TANRIVERDİ
70.	37945/08	31/07/2008	**Faik ÇİRİK** 29/10/1965 Adıyaman	Ünsal TANRIVERDİ
71.	37946/08	31/07/2008	**Yılmaz DEMİR** 10/02/1971 Adıyaman	Ünsal TANRIVERDİ
72.	37947/08	31/07/2008	**Mehmet ATEŞ** 01/01/1970 Adıyaman	Ünsal TANRIVERDİ
73.	37948/08	31/07/2008	**İbrahim AKSOY** 04/04/1958 Adıyaman	Ünsal TANRIVERDİ
74.	37950/08	31/07/2008	**Ramazan ATEŞ** 01/02/1967 Adıyaman	Ünsal TANRIVERDİ
75.	37951/08	31/07/2008	**Hamdin DEMİRKIRAN** 15/03/1971 Adıyaman	Ünsal TANRIVERDİ
76.	37953/08	31/07/2008	**Sinan GÜL** 10/12/1975 Adıyaman	Umut GÜL
77.	37954/08	31/07/2008	**İsmail TAŞAR** 09/07/1976 Bolu	Ünsal TANRIVERDİ
78.	37955/08	31/07/2008	**Abdulselam SÜSİN** 10/06/1969 Karabük	Ünsal TANRIVERDİ

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
79.	37956/08	31/07/2008	**Nimet DEGİŞ** 10/04/1957 Adıyaman	Ünsal TANRIVERDİ
80.	37957/08	31/07/2008	**Cengiz AYAR** 05/01/1973 Kocaeli	Ünsal TANRIVERDİ
81.	37958/08	31/07/2008	**İsmail BİÇEN** 04/02/1973 Adıyaman	Ünsal TANRIVERDİ
82.	37959/08	31/07/2008	**İlyas DOĞAN** 29/08/1975 Adıyaman	Ünsal TANRIVERDİ
83.	37960/08	31/07/2008	**Mehmet Emin SIRÇA** 05/06/1976 Eskişehir	Ünsal TANRIVERDİ
84.	37961/08	31/07/2008	**Abdurrahman GÜNER** 20/12/1970 Adıyaman	Ünsal TANRIVERDİ
85.	37962/08	31/07/2008	**Mehmet Şirin İVRENDİ** 01/01/1970 Adıyaman	Ünsal TANRIVERDİ
86.	37963/08	31/07/2008	**Şükrü AKBAŞ** 01/01/1967 Adıyaman	Ünsal TANRIVERDİ
87.	37965/08	31/07/2008	**Cemal ÇAKIR** 20/09/1965 Adıyaman	Ünsal TANRIVERDİ
88.	37966/08	31/07/2008	**Mehmet Ali KAYADAĞ** 31/01/1973 Adıyaman	Ünsal TANRIVERDİ
89.	37967/08	31/07/2008	**Abdullatif SÖNMEZ** 02/02/1972 Adıyaman	Ünsal TANRIVERDİ

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
90.	37968/08	31/07/2008	**Kazım ÇALIŞIR** 01/10/1966 Adıyaman	Ünsal TANRIVERDİ
91.	37969/08	31/07/2008	**Abdulvahap YILMAZ** 01/06/1967 Adıyaman	Ünsal TANRIVERDİ
92.	37970/08	31/07/2008	**Hüseyin BİLECAN** 20/09/1974 Tekirdağ	Ünsal TANRIVERDİ
93.	37971/08	31/07/2008	**Ali Ejder ELYAKUT** 04/03/1978 Karabük	Ünsal TANRIVERDİ
94.	37972/08	31/07/2008	**Nihat ŞAHİN** 03/03/1972 Tekirdağ	
95.	38072/08	30/07/2008	**Ufuk KESKİN** 08/05/1976 İzmir	
96.	38140/08	31/07/2008	**Halil ARSLAN** 02/08/1975 Adıyaman	Ünsal TANRIVERDİ
97.	38276/08	30/07/2008	**Abdulmenaf OSMAN** 14/04/1965 Kocaeli	
98.	38291/08	31/07/2008	**Mehmet ÇELİK** 31/07/1975 Adıyaman	Ünsal TANRIVERDİ
99.	38297/08	28/07/2008	**Remzi ALMAZ** 06/06/1973 Eskişehir	Ünsal TANRIVERDİ
100.	38299/08	31/07/2008	**Ahmet İBRAHİM** 01/09/1972 Adıyaman	Ünsal TANRIVERDİ

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
101.	38304/08	01/04/2008	**Ramazan NAZLIER** 21/12/1973 Diyarbakır	
102.	38308/08	31/07/2008	**Barış KILIÇ** 01/03/1976 Eskişehir	
103.	38314/08	31/07/2008	**Nevzat BAHADIR** 10/07/1978 Adıyaman	Ünsal TANRIVERDİ
104.	38810/08	16/06/2008	**Mahmut CENGİZ** 20/03/1983 Tekirdağ	Mehmet ERBİL
105.	39330/08	01/08/2008	**Diyadin AKDEMİR** 01/01/1974 Kocaeli	İnan AKMEŞE
106.	39706/08	31/07/2008	**Önder BİTİRGİÇ** 01/06/1984 Kocaeli	Mehmet ERBİL
107.	39949/08	28/07/2008	**Refik SÜNKÜR** 03/02/1975 Bolu **Engin BABAYİĞİT** 01/01/1983 Bolu	Mehmet ERBİL
108.	42340/08	19/08/2008	**Ramazan VURAL** 05/01/1975 Bolu	Mehmet ERBİL
109.	45787/08	13/09/2008	**Faruk YILDIZ** 25/02/1973 Tekirdağ	Mehmet ERBİL
110.	47891/08	23/09/2008	**Sertaç KILIÇARSLAN** 01/02/1976 İzmir	

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
111.	47976/08	22/09/2008	**Selçuk ESİN** 23/01/1978 İzmir	
112.	48078/08	24/09/2008	**Mehmet Enes TUNÇ** 03/11/1972 Erzurum	
113.	48133/08	22/09/2008	**Nizamettin MAHMUTOĞLU** 01/01/1973 Siirt	Rehşan BATARAY SAMAN
114.	48137/08	24/09/2008	**Kemal YİĞİT** 20/10/1982 İzmir	Esin ASLAN
115.	48141/08	25/09/2009	**Ferhat YİLDENİZ** 12/04/1980 İzmir	Nezahat PAŞA BAYRAKTAR
116.	51259/08	07/10/2008	**Cuma DAĞDÖĞEN** 15/05/1979 İzmir	
117.	52114/08	31/07/2008	**Davut AKGÜL** 02/05/1973 Adıyaman	
118.	52167/08	14/10/2008	**Hüseyin TUNÇ** 01/01/1968 İzmir	
119.	53824/08	21/10/2008	**Vahdettin BUDAK** 03/04/1977 İzmir	
120.	54371/08	17/10/2008	**Tamer TUNCER** 25/10/1971 Kocaeli	Sevim AKAT EŞKİ
121.	56362/08	30/10/2008	**Turgut KOYUNCU** 10/10/1974 İzmir	Hesin DURSUN

No.	Application No.	Lodged on	Applicant Date of birth Place of residence	Represented by
122.	58460/08	18/11/2008	**Ahmet ÇAKAL** 13/01/1953 İzmir	
123.	61532/08	04/12/2008	**Mehmet Şerif ÖNER** 01/01/1975 İzmir	
124.	61663/08	01/12/2008	**Abdülbari YILDIRIM** 01/01/1964 İzmir	
125.	62073/08	04/12/2008	**Bozo AÇLAN** 27/04/1971 Edirne	