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

SECOND SECTION

DECISION

Application no. 43307/20
Zehra DOĞAN
against Türkiye

The European Court of Human Rights (Second Section), sitting on 2 September 2025 as a Committee composed of:

Tim Eicke*, President*,
Jovan Ilievski,
Oddný Mjöll Arnardóttir*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 43307/20) 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 17 September 2020 by a Turkish national, Ms Zehra Doğan ("the applicant"), who was born in 1989, lives in Mardin and was represented by Mr O. Olgun, a lawyer practising in Istanbul;

the decision to give notice of the complaints under Article 6 of the Convention regarding the right to adversarial proceedings and Article 10 of the Convention regarding the refusal by the prison authorities to hand over a book to the applicant to the Turkish Government ("the Government"), represented by their Agent at the time, Mr Hacı Ali Açıkgül, former Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye, and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the refusal by the prison authorities to hand over to the applicant, who was detained in Tarsus Prison for the offence of disseminating propaganda in favour of an armed terrorist organisation, a book sent to her by post and the failure to inform her of the public prosecutor's opinion in the proceedings in which she contested that refusal.

2. By a decision of 18 December 2018, relying on regulation 8 of the Regulations on items and substances permitted in penal institutions ("the Regulation on items permitted in prisons"; see for the text of the provision *Mehmet Çiftci v. Turkey*, no. 53208/19, § 13, 16 November 2021), the Education Board of Tarsus Prison decided not to hand over to the applicant a book entitled *Yüksel Arslan: İlişki, Davranış, Sıkıntılara Övgü'den Arture'lere (1955-1970)* ("Yüksel Arslan: From Compliment to Relationships, Behaviours, Distresses to Artures (1955-1970)"), which had been sent to her by post. The Board determined that the overall content of the book, especially the illustrations depicting human figures on pages 41, 47, 49, and 71, were of an obscene nature. In that context, the Board concluded that the book constituted a potential threat to security within the prison.

3. The Tarsus enforcement judge dismissed an objection by the applicant against the decision of the prison administration, holding that it followed the law and procedure. The Tarsus First Assize Court subsequently found that the decision of the enforcement judge was in line with law and procedure and that the reasoning provided was detailed and sufficient.

4. On 8 March 2019 the applicant lodged an individual application with the Constitutional Court. On 20 December 2019 the Constitutional Court dismissed her complaint under Article 6 of the Convention about the failure to inform her of the prosecutor's opinion during the proceedings for lack of a significant disadvantage and her complaint under Article 10 of the Convention about the failure to hand over the book as manifestly ill-founded. The Constitutional Court's decision was served on the applicant's lawyer on 30 December 2019.

5. The applicant, relying on Article 10 of the Convention, complained about the prison administration's decision to withhold the book sent to her by post. She additionally complained under Article 6 of the Convention of a failure to inform her of the prosecutor's opinion during the objection proceedings before the enforcement judge and the assize court.

THE COURT'S ASSESSMENT

6. The Court notes that in the proceedings complained of the final domestic decision, within the meaning of Article 35 § 1 of the Convention, was adopted on 20 December 2019 and served on the applicant's representative on 30 December 2019 (see paragraph 4) whereas she lodged her application with the Court on 17 September 2020, that is, more than six months later.

7. While the Government did not raise an objection based on non-compliance with the six-month time-limit applicable at the relevant time, the Court reiterates that this is an issue which it must examine of its own motion (see, for example, *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, § 168, 1 June 2023, and the cases cited therein).

8. The Court is mindful that on 16 March and 9 April 2020, in view of the global Covid-19 pandemic, exceptional measures (including in respect of the calculation of the six-month time-limit) were announced by the President of the Court (see, for further details, *Saakashvili v. Georgia* (dec.), nos. 6232/20 and 22394/20, §§ 46-59, 1 March 2022). The Court found that those measures were applicable to applications in which a calendar six-month period either started to run or was due to expire at any time between 16 March and 15 June 2020; in that case, the six-month rule under Article 35 § 1 of the Convention should be exceptionally considered to have been suspended for three calendar months in total (ibid., § 58; *Kitanovska and Barbulovski v. North Macedonia*, no. 53030/19, § 40, 9 May 2023; and *Masse v. France* (dec.), no. 47506/20, §§ 23-29, 25 March 2025).

9. In the applicant's case the six-month time-limit started to run on 30 December 2019 and expired on 30 June 2020. Those dates do not fall within the above-mentioned period (16 March - 15 June 2020), which coincided with the most critical phase of the pandemic.

10. Therefore, the exceptional three-month suspension does not apply to the applicant's situation (see *Masse*, cited above, §§ 30-32, and *Kitanovska and Barbulovski*, cited above, § 40).

11. It follows that, in the absence of exceptional circumstances linked to the particular situation of the applicant (see *Masse*, cited above, § 31), the present application is inadmissible under Article 35 § 1 of the Convention for non-compliance with the six-month rule. It must therefore be rejected pursuant to Article 35 § 4 thereof.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 25 September 2025.

Dorothee von Arnim Deputy Registrar	Tim Eicke President