

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

SECOND SECTION

CASE OF GÖKÇE AND OTHERS v. TÜRKİYE

(Applications nos. 51110/19 and 3 others –
see appended list)

JUDGMENT

Art 3 (substantive) • Degrading treatment • Placement of prisoners, detained on terrorism-related charges, in single cells, based on decisions of the prison administrations, and restrictions imposed on their contact with other prisoners • Given the cumulative effect of the conditions of detention, the third and fourth applicants were subjected to suffering exceeding the unavoidable level inherent in detention • Minimum level of severity not attained in relation to the first and second applicants

Prepared by the Registry. Does not bind the Court.

STRASBOURG

3 November 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Gökçe and Others v. Türkiye,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Arnfinn Bårdsen*, President*,
Saadet Yüksel,
Jovan Ilievski,
Oddný Mjöll Arnardóttir,
Gediminas Sagatys,
Juha Lavapuro,
Hugh Mercer*, judges*,
and Andrea Tamietti, *Section Registrar,*

Having regard to:

the applications (nos. 51110/19, 34526/20, 48100/20, and 34616/21) 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") by four Turkish nationals ("the applicants") on the various dates indicated in the appended table;

the decision to give notice to the Turkish Government ("the Government") of the complaints concerning Article 3 of the Convention and to declare inadmissible the remainder of the applications;

the parties' observations;

Having deliberated in private on 22 September 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The applications concern the applicants' placement in single cells in prison and the restrictions imposed on their contact with other prisoners. The applicants complain of a violation of Article 3 of the Convention on account of the conditions and duration of the regime imposed on them.

THE FACTS

2. A list of the applicants, indicating their years of birth, their places of residence and their representatives, is set out in the Appendix.

3. The Government were represented by their Agent, Mr Abdullah Aydın, Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye.

4. The facts of the cases, as submitted by the parties may be summarised as follows.

I. BACKGROUND INFORMATION

5. At the time of the events giving rise to the present applications, the applicants were detained in closed penal institutions, either awaiting trial or pending appeal proceedings. All applicants held public office at the time of their arrest and pre-trial detention on charges of membership of an armed terrorist organisation described by the Turkish authorities as the "Fetullahist Terror Organisation/Parallel State Structure" (*Fetullahçı Terör Örgütü/Paralel Devlet Yapılanması* – hereinafter referred to as "FETÖ/PDY").

6. After they were placed in pre-trial detention, the applicants were initially held in multiple-occupancy cells in different prisons. On various dates during their pre-trial detention, the relevant prison administrations decided to transfer them from those multiple-occupancy cells and to place them in single cells.

II. THE APPLICANTS' CONDITIONS OF DETENTION

A. General conditions

7. The applicants were detained in different prisons and accommodated in single cells for varying periods of time, and their contact with other prisoners was restricted to varying degrees. The detailed circumstances of each applicant's detention (including the dates, the prisons concerned, the size and material conditions of the cells in which they were held, their contact with the outside world, the restrictions imposed on their contact with other prisoners and on their access to the outdoor exercise yard, and the procedural steps taken in respect of their placement) are set out in paragraphs 10-44 below.

8. The Government provided general information concerning the single cells in which the applicants had been held – including the dimensions of those cells. They submitted that the applicants' cells had been equipped with a separate sanitary partition (containing a washbasin, toilet and shower), and that they had had access to cold and hot water on a daily basis. The cells had had a bed, mattress, wardrobe, table and chair. The applicants had been able to buy a television and a radio from the prison shop. They had had access to periodical and non-periodical publications. Their access to medical care had not been restricted, and they had had access to the prison doctor and had been transferred to State hospitals for treatment, if necessary.

9. Some applicants contested the information submitted by the Government, such as the material conditions and dimensions of the cells in which they had been held, the scope of the restrictions on their access to the outdoor yard, or their ability to maintain contact with other prisoners. In the description of the facts concerning each applicant below, the Court has taken

note of the parties' submissions and has indicated, where relevant, such disagreements.

B. Application no. 51110/19 (*Musa Gökçe v. Türkiye*)

10. The applicant in application no. 51110/19 (hereinafter referred to as "the first applicant") was a public servant working at the Banking Regulation and Supervision Agency. On 30 September 2016 he was placed in pre-trial detention on charges of membership of FETÖ/PDY. From 30 September 2016 until his release on 14 July 2020, he was detained in Marmara no. 5 L-Type Prison.

11. On 17 April 2018 the prison's internal administration and observation board decided to place the first applicant in a single cell. Referring to sections 9(2)(d-e), 24(1)(d), 113 and 116(1) of Law no. 5275 and Articles 69(1)(c-d) and 180(2) of the regulation on the management of prisons and the execution of sentences and preventive measures (see paragraphs 45 and 47-49 below), the board stated in its decision that, for administrative reasons and in view of the nature of the offence for which he had been detained, it was appropriate for the first applicant to be placed in one of the single or three-person cells. It further stated that his placement in a single cell aimed at ensuring both safety and order within the prison facility and the safety of the detainee himself, in the light of his former profession. It was noted that the first applicant's right to visitation and to make telephone calls were not affected by this decision. The first applicant was then placed in a single cell and remained there until his release on 14 July 2020.

12. On 20 June 2018 the enforcement judge dismissed an objection lodged by the first applicant against the decision of the prison administration and observation board, finding that the prison administration had discretion regarding the placement of detainees and that the impugned measure was in accordance with the law. On 11 July 2018 the Silivri Assize Court dismissed an appeal by the first applicant against that decision. The first applicant lodged an individual application with the Constitutional Court, alleging a violation of the prohibition of ill-treatment on account of his isolation in a single cell. On 26 November 2019 the Constitutional Court declared the first applicant's individual application inadmissible as manifestly ill-founded, with reference to a previous decision that it had delivered in the case of *Raşit Konya* (see paragraphs 51-54 below).

13. According to the information provided by the parties, the first applicant was held alone in a single cell measuring 12 square metres (sq. m.). Following his placement there, he was confined for 21 hours a day, having access to the outdoor area for the remaining time. As to the amount of time spent outdoors the parties' accounts broadly coincide: the Government submitted that the first applicant had had access to the outdoor area for three hours a day in the company of three other inmates, while the first applicant

submitted that he had been taken out twice a day for one-and-a-half-hour periods in the company of two other prisoners. The parties disagreed, however, as to the conditions and character of the cell. The Government submitted that it had been adequately furnished, whereas the first applicant submitted that the cell had been of the same type as those used for detainees serving aggravated life sentences (*ağırlaştırılmış müebbet hapis cezası*) or undergoing disciplinary solitary confinement. According to the first applicant, the cell had been covered with drawings and graffiti left by previous inmates, and the bathroom and toilet had been located within a single space. The bathroom had had no ventilation, giving rise to serious odour, mould and damp, the sink had lacked a proper drainage system and had leaked, and the wardrobe had been broken and mouldy. The cell had had no cooling system and had been very hot during the summers. The first applicant added that his requests for those conditions to be improved had yielded no result, that the outdoor area to which he had been taken had been dirty, and that he had been able to access the grass football pitch for only one hour per week following the end of the state of emergency in July 2018. He had been checked by prison officers during the night and searched when going out to the yard. He contrasted this regime with that of his previous multi-occupancy cell, where there had been an exercise area that he had been free to enter and leave at will between 8 a.m. and 6 p.m.

14. Between 17 April 2018 and 14 July 2020, the first applicant was visited by his relatives and lawyers on 44 different days (with several relatives sometimes attending on the same day), and he had had telephone calls with his wife on 88 occasions. He was given 124 books during his detention, sat the national examination for admission to higher education in 2019 and was enrolled in a university programme that year.

15. During his imprisonment the first applicant consulted a general practitioner on 11 occasions and was transferred to State hospitals for further examination by neurology, cardiology, physiotherapy, ophthalmology and general surgery specialists on a further 11 occasions. These consultations covered the assessment and analysis of a herniated disc on the applicant's back and the prescription of related medication. He underwent two assessments of his mental well-being during the admission procedure, which was conducted by specialists from the prison's psycho-social support service. He received individual counselling from the prison's psychologist on four occasions and he consulted a psychiatrist at a State hospital on two further occasions. The first applicant submitted that during his stay in the single cell, his pre-existing lumbar disc herniation had significantly deteriorated and he had developed severe psychological distress, manifesting in symptoms of clinical depression.

C. Application no. 34526/20 (*Eşref Köse v. Türkiye*)

16. At the time of his arrest, the applicant in application no. 34526/20 (hereinafter referred to as "the second applicant") worked as a public prosecutor in Samsun. On 21 July 2016 he was arrested on suspicion of membership of FETÖ/PDY. On the same day he was placed in pre-trial detention in Samsun E-Type Prison. On 15 November 2016 he was transferred to Bolu F-Type High-Security Prison and remained there until his transfer to an open prison on 13 October 2021.

17. On 19 September 2016, when he was still in Samsun E-Type Prison, he was placed in a single cell, pursuant to a decision taken by the prison administration. An objection lodged by the second applicant to that decision was rejected by the enforcement judge, who found it to be in accordance with the law. On 17 October 2016 the Samsun Assize Court rejected an objection lodged by the second applicant against the enforcement judge's decision. The second applicant did not lodge an individual application with the Constitutional Court following that decision.

18. On 15 November 2016 the second applicant was transferred to Bolu F-Type High-Security Prison, where he was placed in a three-person cell with two other prisoners. On 18 November 2017 he was placed in a single cell by a decision of the prison administration, on the basis of a letter from the General Directorate to that effect and pursuant to sections 111(2), 113(1), 115(e) and 116 of Law no. 5275 (see paragraph 45 below). The decision stated that the second applicant was being held in pre-trial detention on suspicion of membership of a terrorist organisation and that he was being placed in a single cell on security and administrative grounds. The second applicant lodged an objection against that decision with the Bolu enforcement judge.

19. On 14 March 2018 the enforcement judge dismissed the second applicant's objection. In his decision, the enforcement judge reasoned that, pursuant to the Court's decision in *Bora v. Türkiye* ((dec.), no. 30647/17, 28 November 2017), the second applicant's accommodation in a single cell did not in itself attain the minimum level of severity required to fall within the scope of Article 3 of the Convention. The judge noted that the second applicant was held in the same type of prison and under the same conditions as the applicant in *Bora* (cited above), that he was not subjected to the restrictions applicable to disciplinary solitary confinement, and that he continued to receive family visits and to have telephone calls with his relatives, and that he maintained access to radio, television and publications. The judge considered the measure to be proportionate and necessary in view of the offence imputed to the second applicant, the uncertainty as to his position within the FETÖ/PDY organisation's hierarchy, the risk that accommodation with his co-accused might lead to the commission of an offence, and the need to maintain the security of the institution. Reiterating

the Court's case-law to the effect that prohibiting contact with other detainees for reasons of security, discipline or protection does not in itself amount to inhuman treatment, he concluded that the impugned decision had been lawful.

20. On 6 June 2018 the Bolu Assize Court dismissed an objection lodged by the second applicant against the enforcement judge's decision. The Assize Court firstly held that the legal provisions concerning the management of prisons allowed the second applicant to be accommodated in a high-security prison. Secondly, it noted that in the Bolu F-Type Prison, there were 103 three-person cells and 61 single cells. Whether a prisoner accommodated in a high-security prison should be placed in a single or three-person cell was a matter concerning the organisation and order within that prison and constituted a decision ultimately falling to the discretion of the prison administration.

21. On 4 September 2018 the second applicant lodged an individual application with the Constitutional Court, complaining that his placement in single cells in Samsun and Bolu prisons had violated the prohibition on ill-treatment. On 2 April 2020 the Constitutional Court declared the second applicant's individual application inadmissible, stating that his complaints concerning the alleged violation of his fundamental rights and freedoms were manifestly ill-founded, and that the complaints also did not fulfil the other admissibility criteria foreseen in Law no. 6216 on the establishment and rules of procedure of the Constitutional Court. The court referred in this connection to its previous decisions in *Raşit Konya* and *Timur Demir* (see paragraphs 51-56 below).

22. At Samsun Prison, from 19 September until 15 November 2016, the second applicant was held in a single cell measuring 15 sq. m. At Bolu Prison, from 18 November 2017 until his transfer to a multiple-occupancy cell on 8 October 2020, he was held in three successive single cells: the first two (in which he was held between 18 November 2017 and 1 November 2019) were designed to accommodate three persons and measured 50 sq. m., while the second (in which he was held from 1 November 2019) measured 11.4 sq. m. As regards the lighting of the cells in Bolu Prison, the second applicant submitted that the lights had been switched on and off during the night disturbing his sleep, while the Government submitted that a prison guard had been constantly present in the corridor and that a lighting button was placed there for the purpose of ensuring prisoners' safety.

23. As regards outdoor exercise, after 26 October 2016 the second applicant was taken to the outdoor yard at Samsun for at least one hour a day in the company of two other prisoners. At Bolu Prison he was taken to the outdoor yard for one and a half hours a day in the company of another prisoner.

24. As regards contact with others, the second applicant submitted that during the first 39 days of his detention at Samsun he had not been allowed to communicate with anyone. The Government submitted that, between

19 September and 15 November 2016, the second applicant had been visited by his relatives and lawyers on five different days, with several relatives sometimes attending on the same day, and that he had had telephone calls with his wife. The parties broadly agreed that the second applicant had begun to take part in activities around May or June 2018. The second applicant submitted that he had been prohibited from engaging in any educational, rehabilitative or cultural activity until June 2018. The Government submitted that, from May 2018 onwards, he had participated at regular intervals – on 28 occasions in 2018, 56 occasions in 2019 and 10 occasions in 2020 – in social, sporting and conversational activities (participation in conversation groups and sporting activities on the grass pitch, the open pitch, the closed sports pitch and table tennis sessions) and that, after 7 June 2018, he had also taken part in psycho-social and cultural activities – including meetings with a preacher (*vaiz*). The parties' accounts also broadly corresponded as regards subsequently imposed restrictions: the second applicant submitted that he had been completely isolated from any contact with others between 8 September and 27 November 2018, while the Government submitted that the prison administration had restricted his participation in activities with other prisoners in September 2018, that that restriction had been set aside by the Bolu Assize Court on 16 November 2018, and that he had thereafter continued to take part in activities with other prisoners.

25. During his detention in single cells at Bolu Prison, between 18 November 2017 and 8 October 2020, the second applicant was visited by his relatives and lawyers on 115 different days, with several relatives sometimes attending on the same day, and he had telephone calls with his relatives on 128 occasions.

26. Following his transfer to Bolu Prison (see paragraph 16 above) the second applicant was diagnosed with anxiety and depression and received medication. He was examined and treated at the offices of the prison's primary-healthcare physician and dentist on 40 occasions, consulted the prison psychologist and was transferred to a State hospital for consultation with a psychiatrist. The second applicant submitted that, as a result of the conditions of his detention, he had received psychological treatment and taken medication for a long period and had developed severe psychological problems.

D. Application no. 48100/20 (*Süleyman Kul v. Türkiye*)

27. At the time of his arrest, the applicant in application no. 48100/20 (hereinafter referred to as "the third applicant") worked as a judge at the Court of Cassation. On 20 July 2016 he was arrested on suspicion of membership of FETÖ/PDY. On the same day he was placed in pre-trial detention in Sincan T-Type Prison. On 8 October 2016 he was transferred to Marmara no. 4 L-Type Prison where he was held until his release on 7 June 2023. According

to the third applicant, he was placed in a single cell on the same day of his transfer. The Government submitted that the third applicant was placed in a single cell on 10 October 2016, without providing information about where he had been accommodated between 8 and 10 October 2016.

28. By a decision of 10 October 2016, Marmara Prison's administration and observation board decided to place the third applicant in a single cell. Referring to sections 9(2)(d-e), 24(1)(d), 113 and 116(1) of Law no. 5275 and sections 69(1)(c-d) and 180(2) of the regulation on the management of prisons and the execution of sentences and preventive measures (see paragraphs 45 and 47-49 below), the board stated that, in view of the nature of the offence for which the third applicant had been detained, it was appropriate to place him in one of the single or three-person cells. His placement in such a cell was aimed at ensuring safety and order within the prison facility and the safety of the detainee himself, in the light of his former profession.

29. On 1 November 2016 the enforcement judge dismissed an objection lodged by the third applicant against the prison administration and observation board's decision. The enforcement judge reasoned that by virtue of section 116 of Law no. 5275 (which referred back to section 9 of the same Law – see paragraph 45 below), statutory provisions concerning convicted prisoners and their placement in high-security prisons could also be applied to persons held in pre-trial detention, in so far as they were compatible with the status of pre-trial detention. The judge concluded that, in the light of those provisions, the prison administration was authorised to accommodate the third applicant in single or three-person cells within the high-security section of the prison. On 24 November 2016 the Silivri Assize Court rejected an objection by the third applicant against that decision. On 6 April 2020 the Constitutional Court declared the third applicant's individual application – in which he had complained of a violation of the prohibition of ill-treatment on account of his isolation – inadmissible as being manifestly ill-founded, with reference to its *Raşit Konya* decision (see paragraphs 51-54 below).

30. The third applicant was held on his own in a single cell until his release on probation on 7 June 2023 (see paragraph 27 above) – a period of about six years and eight months. The parties disagreed as to the size and character of the cell: the Government submitted that it had measured 12.45 sq. m., whereas the third applicant submitted that it had measured 8 sq. m., had been originally designed for short-term disciplinary punishment, had had no kitchen, and had been of the type used for disciplinary punishment or for the accommodation of prisoners serving aggravated life imprisonment. The third applicant added that the cell had been cold during the winter.

31. The parties broadly agreed in respect of the third applicant's outdoor exercise: both stated that, from October 2016 until 9 May 2018, he had had access to the outdoor area for one hour a day on his own, and that from that

date onwards he had had access for two hours a day, in the company of two other prisoners. The third applicant submitted that from 2019 onwards he had been allowed to use the football pitch for 45 minutes each week. As regards lighting at night, the third applicant submitted that a spotlight directed into his cell from across the corridor had kept it permanently illuminated and that prison officers had carried out hourly checks during the night by opening the corridor door and switching on the lights – all of which had disrupted his sleep. The Government did not address those points.

32. Between 10 October 2016 and 7 June 2023 the third applicant was visited by his relatives and lawyers on 342 different days, with several relatives sometimes attending on the same day. He had telephone calls with relatives on 377 occasions. He borrowed 69 books during his detention, participated in weekly sports activities and, on 10 April 2023, took part in an event at which several inmates celebrated Ramadan together.

33. It was not in dispute between the parties that the third applicant had access to medical care. He was examined at the prison hospital several times and transferred to State hospitals when necessary. He underwent two assessments of his mental well-being upon admission to Silivri Prison, during which no issues were identified. He declined to meet the prison's psycho-social service psychologist on six occasions between 2016 and 2020 but did attend eight meetings with the psychologist after 2021. In the interview notes kept by the prison's psycho-social service psychologist in respect of the six interviews which the third applicant had refused, it was stated that the applicant had been called to an interview for the purposes of psychological follow-up, but that he had not agreed to meet. As regards the interviews held with the third applicant after 2021, the psychologist noted that his post-release plans had been discussed, that in the course of those interviews his awareness of his offence had been addressed, and that he had declared that he had no links with a terrorist organisation. Interview notes drawn up in later meetings noted that they had discussed whether the third applicant's links with the terrorist organisation had subsisted, and it was noted that the applicant had stated that he felt remorse about the situation in which he found himself. On 1 November 2018 he consulted a psychiatrist at the State hospital in Silivri Prison, who noted that he was experiencing difficulty arising from his being held in a single cell, diagnosed him with adjustment disorder and prescribed medication. The third applicant, for his part, submitted that he had been diagnosed with a stress disorder in 2018 and had been prescribed antidepressant medication.

E. Application no. 34616/21 (*İlhan Akıllı v. Türkiye*)

34. The applicant in application no. 34616/21 (hereinafter referred to as "the fourth applicant") was a public prosecutor in Eskişehir at the time of his arrest. On 17 July 2016 he was arrested on suspicion of membership of

FETÖ/PDY. On 21 July 2017 he was placed in pre-trial detention in Eskişehir H-Type Prison where he remained until his release on 6 February 2018.

35. On 19 September 2016 the prison's administration and observation board decided to remove the fourth applicant from the multi-occupancy cell in which he was being held and to place him in a single cell, stating that this was required for institutional security, in view of information obtained through internal intelligence gathered within the institution.

36. The fourth applicant lodged an objection with the enforcement judge against the prison administration's decision, submitting that the isolation imposed on him was contrary to the law and that the decision had had an adverse effect on his psychological state. In its observations to the enforcement judge, the prison administration stated that the fourth applicant had been placed in a single cell on grounds of institutional security, that he was allowed 30 minutes of outdoor exercise per day, and that steps were being taken with a view to extending that period. On 6 December 2016 the enforcement judge dismissed the fourth applicant's objection, finding the prison administration's decision to be in conformity with the law and standard procedure. On 14 December 2016 the Eskişehir Assize Court rejected an objection lodged by the fourth applicant against that decision. On 23 January 2017 the fourth applicant lodged an individual application with the Constitutional Court, arguing that his isolation from the rest of the prison population had been unlawful and had violated the prohibition on ill-treatment.

37. On 13 October 2020 the Constitutional Court declared the fourth applicant's individual application inadmissible as manifestly ill-founded. In its decision, the court considered that the fourth applicant had been held in a single cell for one year and eight months; that the cells had been of an adequate size according to the European Prison Rules, that he had had unrestricted access to family visits, telephone calls and lawyer meetings, and that he had benefited from daily outdoor exercise of the duration of one hour, which he had undertaken alone for 15 months. It concluded that the conditions and duration complained of did not exceed the minimum severity threshold under the prohibition of ill-treatment. This decision was notified to the applicant on 3 December 2020.

38. Following his placement in the single cell, between 27 September 2016 and 2 February 2017 the fourth applicant addressed several letters to the prison administration, requesting that his conditions of detention be improved. He requested, *inter alia*, the annulment of the decision placing him in a single cell and that he be returned to a multi-occupancy cell. Alternatively, he requested that he be allowed to take outdoor exercise in the company of another detainee, S.Y., who was subject to the same measure, or that the prison administration designate another detainee with whom he could take daily outdoor exercise. He further requested the extension of his daily

outdoor exercise time to one hour and that his weekly telephone call be moved to a Saturday.

39. On 20 February 2017 the prison administration rejected the fourth applicant's request to be returned to a multi-occupancy cell, deeming that the grounds for his placement in a single cell continued to apply and that his being held there did not pose any serious threat to his physical or mental integrity. It also rejected his request for joint outdoor exercise with S.Y. or another detainee on the grounds that allowing him to take exercise with another detainee facing prosecution on the same charge of membership of the FETÖ/PDY would facilitate intra-organisational communication and create a security risk. The administration accepted, however, his requests for his weekly telephone call to be rescheduled to a Saturday and for his daily outdoor exercise time to be extended to one hour.

40. On 26 July 2017 the fourth applicant once again requested that he be accommodated in a multiple-occupancy cell. On 11 August 2017 the prison administration rejected that request, stating that the grounds for the fourth applicant's placement in a single cell remained valid. Objections lodged by the fourth applicant against that decision were rejected by the enforcement judge and the Eskişehir Assize Court.

41. From 19 September 2016 until his release on 6 February 2018, the fourth applicant was held in six different single-occupancy cells with total surface areas ranging between 7.98 sq. m and 12.17 sq. m.

42. The parties disagreed in respect of outdoor exercise. The Government submitted that throughout the period the fourth applicant had had access to the outdoor area for one hour a day. The fourth applicant submitted that between 19 September 2016 and 6 May 2017 – a period of some eight months – he had been taken to the outdoor yard for only 30 minutes a day, alone and in a completely separate section that had afforded no opportunity for human interaction. The fourth applicant submitted in this connection that his requests and applications to the prison administration had gone unanswered. Only after he had lodged a criminal complaint against the prison officials had the administration, on 20 February 2017, granted him one hour of daily outdoor exercise (see paragraph 39 above). That decision had been implemented only on 6 May 2017, and he had thereafter been able to access the yard with one or two other inmates for one hour a day. The fourth applicant submitted that he had not been allowed to participate in any social or sports activities during the period in question. The Government did not submit any information demonstrating that the fourth applicant had participated in any such activities.

43. The fourth applicant received visits from his relatives and lawyers on 66 different days, with several relatives sometimes attending on the same day, and had telephone calls with relatives on 34 occasions. The parties disagreed in respect of the fourth applicant's access to reading material and activities: the Government submitted that he had had access to periodical and

non-periodical publications and had borrowed 68 books during his detention, whereas the fourth applicant submitted that throughout his detention he had been denied access to educational, sporting or religious services, that his access to books and television had been delayed, and that a radio he had bought from the prison canteen had been confiscated.

44. The fourth applicant was examined by the prison doctor on multiple occasions in connection with various physical complaints (for which medication was prescribed and provided) and was referred for a cardiological examination at Eskişehir State Hospital in May 2017, where no pathology was identified. As regards his psychological condition, he was referred to the prison psychiatrist on 27 October 2016 and was subsequently diagnosed with anxiety disorder and depressive episodes, his prescriptions being adjusted at follow-up examinations. The fourth applicant submitted that during this time he had suffered from anxiety and depression.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW

A. Law no. 5275 of 13 December 2004 on the enforcement of sentences and preventive measures

45. Law no. 5275 sets out the rules with respect to the enforcement of sentences and detention in prisons. It regulates the placement of convicted prisoners in prisons; however, it contains no specific provisions regarding the placement of remand prisoners. Under sections 24, 49 and 69 of Law no. 5275, convicted prisoners are grouped and placed in prisons according to their age, sex, the length of the prison sentence imposed, the nature of the offence of which they have been convicted and other relevant criteria (see *X v. Turkey*, no. 24626/09, § 23, 9 October 2012, and *İlerde and Others v. Türkiye*, nos. 35614/19 and 10 others, § 107, 5 December 2023). Nevertheless, while the provisions set out in the Law refer to "convicted prisoners", by virtue of section 116, most of those provisions are applicable, *mutatis mutandis*, to remand prisoners in prisons, unless otherwise stated. The relevant provisions read as follows:

Section 9
High-security closed penal institutions

"(1) High-security closed penal institutions are facilities which have internal and external security personnel [and which] are equipped with technical, mechanical, electronic and physical barriers against escape, where the doors of rooms and corridors are kept locked at all times, where contact between convicted prisoners outside their own room and with the outside environment is permitted only in cases specified by legislation, and in which convicted prisoners subject to a strict security regime are

accommodated in rooms for one or three persons. In these institutions, individual or group rehabilitation methods shall be applied.

(2) The sentences of those sentenced to aggravated life imprisonment, as well as – regardless of the length of sentence – those convicted of establishing or directing an organisation for the purpose of committing offences (or ... within the framework of the activities of such an organisation) [those] convicted of the following offences set out in the Criminal Code:

...

(d) offences against the security of the State (Articles 302, 303, 304, 307, 308),

(e) offences against the constitutional order and the functioning of this order (Articles 309, 310, 311, 312, 313, 314, 315),

shall be served in these institutions"

Section 24(1)
Classification of convicted prisoners

"Convicted prisoners shall be divided into groups such as:

(a) first-time offenders, recidivists, habitual offenders, or those who have made a profession of committing offences;

(b) those who, owing to their mental or physical condition or their age, must be subject to a special regime of execution;

(c) those considered dangerous;

(d) terrorist offenders;

(e) offenders who are members of criminal organisations or of criminal organisations established for profit."

Section 25(1)
Execution of a sentence of aggravated life imprisonment

"The principles pertaining to the execution regime for aggravated life imprisonment are set out below:

(a) the convicted person shall be accommodated in a single cell;

(b) the convicted person shall have the right to go outside and exercise in the open air for one hour per day;

..."

Section 44
Solitary Confinement

"(1) The punishment of solitary confinement consists, depending on the nature and gravity of the convicted prisoner's acts, of holding [the prisoner] alone in a cell, day and night, for a period of one to twenty days and depriving him or her of all kinds of contact, without prejudice to the right to go outdoors.

...

(4) The cell shall be arranged in such a way as to meet vital needs.

(5) A convicted prisoner placed in a cell shall not be prevented from communicating with official and authorised authorities or with his or her lawyer."

Section 111(2)
Institutions in which detention orders are executed

"Remand prisoners whose acts and conduct fall within the scope of Section 9 shall be accommodated in high-security remand prisons or, where this is not possible, in the sections reserved for remand prisoners in high-security closed penal institutions."

Section 113
Remand prisoners

"Depending on [room] availability, detainees shall be housed in separate rooms depending on the types of offences [of which they have been accused] and the security risk they present. Those who are on bad terms [with each other] and those who were accomplices in committing an offence shall not be housed in the same rooms, and measures shall be taken to prevent them from contacting each other."

Section 115
Restrictive measures

"The following measures may be applied by the public prosecutor during the investigation stage, and by the judge or the court during the trial stage, in respect of detainees who are in a dangerous state, who present a risk of tampering with evidence, who endanger the purpose of the investigation or the security of the prison, or whose conduct is such as to allow the offence to be repeated:

...

(e) transferring him or her to a high-security prison."

Section 116(1)
Obligations of remand prisoners

"Among the provisions of this Law set out in Sections 9, 16, 21, 22, 26-28, 34-53, 55-62, 66-76, 78-84 and 86-88, those concerning high-security closed penal institutions, ... compliance with the security and rehabilitation programme and with the rules on the protection of health, ... non-opening of doors and prevention of contact, ... deprivation or restriction of means of communication, deprivation of the right to receive visitors, solitary confinement, ... measures that may be taken by the administration, the use of coercive means, ... complaints and appeals, ... the right to meet with a lawyer or a notary, participation in cultural and artistic activities, freedom of expression, use of the library, the right to access periodical or non-periodical publications, the right to communicate by telephone, the right [to listen to] radio and television broadcasts and [use] Internet facilities, ... requests for medical examination and treatment, ... the number of convicted prisoners and the security measures to be applied, education programmes, access to education, their medical examination and treatment, health monitoring, transfer to hospital, ... visits, visits to foreign convicted prisoners, the principles applicable to visits and meetings, sports, and the use of the library and courses, may also be applied to remand prisoners in so far as they are compatible with the status of remand."

B. Law no. 4675 on Enforcement Judges

46. Sections 1 and 4 of Law no. 4675 give enforcement judges the power to rule on complaints concerning, *inter alia*, prison authorities' decisions or actions concerning the execution of sentences, including cell-placement decisions concerning convicted prisoners and remand prisoners in prisons or detention centres; prisoners' complaints with respect to heating, clothing, food, and hygiene; prisoners' physical health and mental well-being; and the communication of detainees and prisoners with the outside world. Complaints may be lodged directly with the enforcement judge by way of an application, or through the office of the public prosecutor or the administration of the prison or detention centre. Applications not lodged with the enforcement judge shall be sent to him or her at once, and within three days at most (section 6). Furthermore, section 6 provides that an enforcement judge must make a decision on the basis of the case file, after obtaining the written opinion of the relevant public prosecutor and without holding a hearing. The enforcement judge may conduct an examination *ex proprio motu* or request further information from the parties if the interests of justice so require. An objection against the decision of an enforcement judge may be lodged with the nearest assize court. An assize court examines objections on points of fact and law without holding a hearing, and its decisions are final.

C. Regulation on the management of prisons and the execution of sentences and preventive measures, published in the Official Gazette of 6 April 2006

47. This regulation (*tüzük*) ("the 2006 regulation"), which was in force at the time of the events pertaining to the present applications, further laid down the procedures and principles concerning the administration of penal institutions and the manner in which sentences and security measures were to be executed. It was repealed on 29 March 2020 with the entry into force of a regulation (*yönetmelik*) with the same title.

48. In accordance with the 2006 regulation, each prison had an administration and observation board ("the prison administration"), which comprised the prison governor, the deputy governor, an administration officer, an in-house doctor, a psychologist, a social worker, a teacher, an enforcement officer and a technician chosen by the prison governor (section 34(1)). The powers of the prison administration were set out as follows:

Section 40(1)

"[The prison administration has the power]

(a) to group together convicted prisoners according to the types of offences [of which they have been convicted], with a view to determining the manner of the execution of [their sentences] and the rehabilitation regime appropriate to them;

(b) to determine the cells in which convicted prisoners will be detained after their admission to [penal] institutions;

(c) to group together convicted prisoners who are detained in [penal] institutions;

(d) to change the cells in which convicted prisoners are accommodated;

(e) to evaluate convicted prisoners' individual compliance with the rehabilitation programmes prepared by the psycho-social assistance service, and their results;

(f) to take decisions regarding the determination of which convicted prisoners are able to participate in activities where they have the benefit of sports fields, multi-purpose hall, libraries and business workshops within the scope of improvement programmes, and which convicted prisoners are to be employed in the internal services of the prison;

..."

49. Other provisions of the 2006 regulation, in so far as relevant to the present cases, read as follows:

Section 69
Placement in an institution

"The placement of convicted prisoners in an institution shall be carried out in accordance with the classifications set out in Section 24 of Law no. 5275. The following principles shall apply to such placement:

...

(c) convicted prisoners shall be held in different prisons than remand prisoners, or in completely separated sections within the same prison;

(d) convicted prisoners who have served in the general law-enforcement services or in other public office shall be accommodated in a separate section of the institutions;

...

Section 180
Institutions in which detention orders are executed

"(2) Remand prisoners shall be accommodated in buildings [that are] separate from convicted prisoners. Where it is not possible to allocate a separate building, remand prisoners shall be held in [those] sections of the institutions reserved for them in such a way that they have no contact with convicted prisoners. Remand prisoners shall not be accommodated in open institutions or in children's education centres."

II. CASE-LAW OF THE CONSTITUTIONAL COURT

50. The Government provided the Court with the following case-law examples with respect to the Constitutional Court's practice.

A. Case of *Raşit Konya* (B. No. 2017/26780, 28 June 2018)

51. The individual application in this case concerned a remand prisoner who had been detained on charges of membership of FETÖ/PDY. After being placed in multi-occupancy cells for a certain duration, the prison's administration and observation board decided to place the applicant in a single cell. It stated that his placement in that cell was aimed at ensuring safety and order within the prison facility and the safety of Mr Konya himself (in the light of his former profession). He was held in that cell for 13 days, after which he was assigned back to his previous multiple-occupancy cell. Mr Konya's objections against the prison administration's decision were rejected by the enforcement judge and the Kırıkkale Assize Court.

52. In its decision, the Constitutional Court firstly set out the general principles applicable to the separation of a prisoner from other prisoners, taking into account the case-law of the Court on the subject. It emphasised the absolute nature of the prohibition of torture and inhuman or degrading treatment and held that, as a manifestation of that prohibition, the conditions provided to convicted prisoners or remand prisoners in the execution of a conviction or detention order had to be such as to preserve respect for human dignity. Accordingly, the manner of the execution of sentences and the conduct displayed by prison authorities during the execution process should not subject prisoners to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in deprivation of liberty.

53. Applying these general principles to the case, the Constitutional Court held, first of all, that prisoners' placement in solitary confinement, or their separation from other prisoners did not in itself constitute a situation contrary to the prohibition of ill-treatment. It acknowledged that such practices could be applied for the purposes of maintaining discipline, on security grounds, or out of concern to protect a person held separately from other prisoners. Furthermore, the measure of solitary confinement could be applied not only out of concern for security or discipline, but also for purposes such as preventing prisoners from colluding in ongoing investigations or from cooperating with persons outside to commit a new offence. In examining whether accommodation in a single cell infringed the prohibition of ill-treatment, the Constitutional Court noted that the conditions had to be considered as a whole, together with an applicant's allegations concerning the specific facts, and that, in this context, the severity, duration, purpose and consequences of the measures had to be assessed jointly.

54. Examining Mr Konya's complaints from this perspective, the Constitutional Court noted that, having regard to the size and facilities of the cell in question, it was clear that he had been held in conditions consistent with the European Prison Rules. Moreover, he had been allowed to use the open-air exercise yard every day for two hours in the company of other prisoners. Having regard to the European Prison Rules, the Constitutional

Court found that it could not be said that the two-hour daily period in question had been unreasonable. Accordingly, it found that Mr Konya had not been cut off from communication with other prisoners. Consequently, the Constitutional Court declared the application inadmissible as manifestly ill-founded, since the minimum threshold of severity had not been reached in respect of the conditions of detention complained of by Mr Konya.

B. Case of *Timur Demir* (B. No. 2018/33190, 9 May 2019)

55. The individual application in this case concerned a remand prisoner who had been detained on charges of membership of FETÖ/PDY. After being placed in multi-occupancy cells for a certain duration, on 10 October 2016 the prison's administration and observation board decided to place the applicant in a single cell. Mr Demir's objections against the prison administration's decision were rejected by the enforcement judge and the Ereğli (Konya) Assize Court. At the time of the Constitutional Court's examination, Mr Demir had been held in single cells for a total of 855 days.

56. In its decision, the Constitutional Court firstly reiterated the general principles applicable to the separation of a prisoner from other prisoners, taking into account the case-law of the Court on the subject, as noted in its *Raşit Konya* decision (see paragraphs 51-54 above). On the facts of the case, the Constitutional Court held, first of all, that having regard to the size and facilities of the cell, it was clear that Mr Demir was being held in conditions consistent with the European Prison Rules. Moreover, he was allowed to use the outdoor exercise yard every day for one hour in the company of other prisoners. Having regard to the European Prison Rules, the Constitutional Court found that it could not be said that that one-hour daily exercise period was unreasonable. Accordingly, it found that Mr Demir had not been cut off from communication with other prisoners. Additionally, the applicant's right to receive contact and non-contact visits had not been affected by the decision to place him in a single cell. He was also able to have a television in his cell and to read periodical and non-periodical publications. Consequently, it declared the application inadmissible as manifestly ill-founded, since the minimum threshold of severity had not been reached in respect of the conditions of detention complained of by Mr Demir.

III. INTERNATIONAL INSTRUMENTS

A. United Nations

57. The United Nations Standard Minimum Rules for the Treatment of Prisoners ("the Nelson Mandela Rules"), A/RES/70/175 – the global key standards for the treatment of prisoners adopted by the United Nations

General Assembly on 17 December 2015 – provide as follows, in so far as relevant (footnote omitted):

Rule 12

"1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison."

Rule 23

"1. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."

Rule 43

"1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment.

The following practices, in particular, shall be prohibited:

(a) Indefinite solitary confinement;

(b) Prolonged solitary confinement;

..."

Rule 44

"For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days."

Rule 45

"1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.

2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, continues to apply."

B. Council of Europe

58. An extract from the section entitled "Solitary confinement of prisoners" in the 21st General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CPT), published in 2011 (CPT/Inf(2011)28-part2), explained what is meant by the notion of "solitary confinement":

> "The CPT understands the term 'solitary confinement' as meaning whenever a prisoner is ordered to be held separately from other prisoners, for example, as a result of a court decision, as a disciplinary sanction imposed within the prison system, as a preventative administrative measure or for the protection of the prisoner concerned. A prisoner subject to such a measure will usually be held on his/her own; however, in some States he/she may be accommodated together with one or two other prisoners, and this section applies equally to such situations."

59. The same report also addressed different types of solitary confinement. In respect of solitary confinement as a disciplinary sanction and administrative solitary confinement for preventive purposes, the report noted:

> "**(b) Solitary confinement as a disciplinary sanction**
>
> Withdrawal of a prisoner from contact with other prisoners may be imposed under the normal disciplinary procedures specified by the law, as the most severe disciplinary punishment. Recognising the inherent dangers of this sanction, countries specify a maximum period for which it may be imposed. This can vary from as little as a few days to as much as a month or more. Some countries allow prison directors to impose a given maximum period, with the possibility for a judicial body to impose a longer period. Most countries – but not all – prohibit sequential sentences of solitary confinement.
>
> Given the potentially very damaging effects of solitary confinement, the CPT considers that the principle of proportionality requires that it be used as a disciplinary punishment only in exceptional cases and as a last resort, and for the shortest possible period of time. The trend in many member States of the Council of Europe is towards lowering the maximum possible period of solitary confinement as a punishment. The CPT considers that the maximum period should be no higher than 14 days for a given offence, and preferably lower. Further, there should be a prohibition of sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of the maximum period. Any offences committed by a prisoner which it is felt call for more severe sanctions should be dealt with through the criminal justice system.
>
> **(c) Administrative solitary confinement for preventative purposes**
>
> The law in most European countries allows for an administrative decision to place into solitary confinement prisoners who have caused, or are judged likely to cause, serious harm to others or who present a very serious risk to the safety or security of the prison. This may be for as short as a few hours, in the case of an isolated incident, or for as long as a period of years in cases involving prisoners who are considered as particularly dangerous and to continue to pose an imminent threat. This is potentially the longest lasting type of solitary confinement and often the one with the fewest procedural safeguards. It is therefore crucial that there be rules to ensure that it is not used too readily (e.g. as an immediate response to every disciplinary infraction pending adjudication), too extensively or for too lengthy periods."

60. The CPT's report entitled "Living space per prisoner in prison establishments: CPT standards", published in 2015 (CPT/Inf(2015)44) explained the minimum standards established by the CPT regarding the personal living space in prison establishments. It recommended that a single cell should measure 6 square metres plus the space required for a sanitary annex (usually 1 to 2 square metres).

61. The European Prison Rules (Recommendation Rec(2006)2 of the Committee of Ministers to member States, adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies), as applicable at the relevant time and in so far as relevant, read:

> "17.2 Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners.
>
> ...
>
> 18.1 The accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, and meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation.
>
> ...
>
> 18.5 Prisoners shall normally be accommodated during the night in individual cells except where it is preferable for them to share sleeping accommodation.
>
> 18.6 Accommodation shall only be shared if it is suitable for this purpose and shall be occupied by prisoners suitable to associate with each other.
>
> 18.7 As far as possible, prisoners shall be given a choice before being required to share sleeping accommodation.
>
> ...
>
> 18.10 Accommodation of all prisoners shall be in conditions with the least restrictive security arrangements compatible with the risk of their escaping or harming themselves or others.
>
> ...
>
> 25.2 This [prison] regime shall allow all prisoners to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction.
>
> ...
>
> 27.1 Every prisoner shall be provided with the opportunity of at least one hour of exercise every day in the open air, if the weather permits.
>
> ...
>
> 27.7 Prisoners shall be allowed to associate with each other during exercise and in order to take part in recreational activities.
>
> ...
>
> 43.2 The medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to the health of prisoners held under conditions of solitary confinement, shall visit such prisoners daily, and shall provide them with

prompt medical assistance and treatment at the request of such prisoners or the prison staff.

43.3 The medical practitioner shall report to the director whenever it is considered that a prisoner's physical or mental health is being put seriously at risk by continued imprisonment or by any condition of imprisonment, including conditions of solitary confinement.

...

51.4 Each prisoner shall then be held in security conditions appropriate to these levels of risk.

51.5 The level of security necessary shall be reviewed at regular intervals throughout a person's imprisonment.

...

53.1 Special high-security or safety measures shall only be applied in exceptional circumstances.

53.2 There shall be clear procedures to be followed when such measures are to be applied to any prisoner.

53.3 The nature of any such measures, their duration and the grounds on which they may be applied shall be determined by national law.

53.4 The application of the measures in each case shall be approved by the competent authority for a specified period of time.

53.5 Any decision to extend the approved period of time shall be subject to a new approval by the competent authority.

53.6 Such measures shall be applied to individuals and not to groups of prisoners.

53.7 Any prisoner subjected to such measures shall have a right of complaint in the terms set out in Rule 70.

...

60.5 Solitary confinement shall be imposed as a punishment only in exceptional cases and for a specified period of time, which shall be as short as possible."

62. The European Prison Rules were revised and amended by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies. The contemporary European standards on the separation of a prisoner from other prisoners as a special high-security or safety measure, as well as solitary confinement – set out in Rules 53A and 60 of the revised European Prison Rules – provide as follows:

"53A The following provisions apply to the separation of a prisoner from other prisoners as a special high security or safety measure:

a. prisoners who are separated shall be offered at least two hours of meaningful human contact a day;

b. the decision on separation shall take into account the state of health of the prisoners concerned and any disabilities they may have which may render them more vulnerable to the adverse effects of separation;

c. separation shall be used for the shortest period necessary to achieve its objectives and shall be regularly reviewed in line with these objectives;

d. prisoners who are separated shall not be subject to further restrictions beyond those necessary for meeting the stated purpose of such separation;

e. cells used for separation shall meet the minimum standards applicable in these rules to other accommodation for prisoners;

f. the longer a prisoner is separated from other prisoners, the more steps shall be taken to mitigate the negative effects of their separation by maximising their contact with others and by providing them with facilities and activities;

g. prisoners who are separated shall be provided, as a minimum, with reading materials and the opportunity to exercise for one hour per day, as specified for prisoners in Rules 27.1 and 27.2;

h. prisoners who are separated shall be visited daily, including by the director of the prison or by a member of staff acting on behalf of the director of the prison;

i. when separation is adversely affecting a prisoner's physical or mental health, action shall be taken to suspend it or to replace it with a less restrictive measure;

j. any prisoner who is separated shall have a right of complaint in the terms set out in Rule 70.

...

60.6.a Solitary confinement, that is the confinement of a prisoner for more than 22 hours a day without meaningful human contact, shall never be imposed on children, pregnant women, breastfeeding mothers or parents with infants in prison.

60.6.b The decision on solitary confinement shall take into account the current state of health of the prisoner concerned. Solitary confinement shall not be imposed on prisoners with mental or physical disabilities when their condition would be exacerbated by it. Where solitary confinement has been imposed, its execution shall be terminated or suspended if the prisoner's mental or physical condition has deteriorated.

60.6.c Solitary confinement shall not be imposed as a disciplinary punishment, other than in exceptional cases and then for a specified period, which shall be as short as possible and shall never amount to torture or inhuman or degrading treatment or punishment.

60.6.d The maximum period for which solitary confinement may be imposed shall be set in national law.

60.6.e Where a punishment of solitary confinement is imposed for a new disciplinary offence on a prisoner who has already spent the maximum period in solitary confinement, such a punishment shall not be implemented without first allowing the prisoner to recover from the adverse effects of the previous period of solitary confinement.

60.6.f Prisoners who are in solitary confinement shall be visited daily, including by the director of the prison or by a member of staff acting on behalf of the director of the prison."

THE LAW

I. JOINDER OF THE APPLICATIONS

63. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

64. The applicants complained under Article 3 of the Convention that their placement in single cells and the restrictions imposed on their contact with other prisoners had violated their right not to be subjected to inhuman or degrading treatment. The fourth applicant also complained under Article 13 of the Convention that there were no effective remedies by which to challenge the prison administration's decision to place him in a single cell. Being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114, 124 and 126, 20 March 2018), the Court considers that that complaint falls to be examined only under Article 3 of the Convention, which reads:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

A. Admissibility

65. The Government did not raise any pleas of inadmissibility in respect of the applications lodged by the first, third and fourth applicants. However, they invited the Court to declare certain parts of the complaints of the second applicant inadmissible for non-exhaustion of domestic remedies.

66. In this regard, the Government submitted that his complaints concerning his placement in a single cell should be divided into two parts: the period during which he had been held in Samsun Prison (between 19 September 2016 and 15 November 2016 – see paragraphs 17 and 18 above) and the period in Bolu Prison (between 18 November 2017 and 8 October 2020 – see paragraph 22 above). They submitted that second applicant had not lodged an individual application with the Constitutional Court after the Samsun enforcement judge had rejected his objection to the prison administration's decision to place him in a single cell (see paragraph 17 above). They accordingly requested the Court to declare the second applicant's complaint inadmissible for non-exhaustion of domestic remedies in so far as it concerned the period during which he had been held in Samsun Prison.

67. The second applicant did not comment on the Government's arguments regarding the admissibility of this complaint.

68. The general principles with regard to the exhaustion of domestic remedies may be found in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014), *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* ([GC], no. 21881/20, §§ 138-145, 27 November 2023), and *Duarte Agostinho and Others v. Portugal and 32 Others* ((dec.) [GC], no. 39371/20, § 215, 9 April 2024).

69. As regards the Government's objection in the second applicant's case, the Court firstly observes that after spending approximately two months in a single cell in Samsun Prison (between 19 September 2016 and 15 November 2016 – see paragraphs 17-18 above), the applicant was transferred to Bolu Prison on 15 November 2016, where he was placed in a multiple-occupancy cell. Approximately one year later, on 18 November 2017, he was placed in a single cell in Bolu Prison (see paragraph 18 above). The two periods of his detention in a single cell were therefore separated by an interval of approximately one year during which the second applicant was detained under materially different conditions.

70. The Court further observes that the second applicant did not lodge an individual application with the Constitutional Court following the rejection of his objection by the Samsun Assize Court on 17 October 2016 (see paragraph 17 above) but did so only on 4 September 2018 – that is, after the rejection of his objection by the Bolu Assize Court (see paragraph 20 above). The substance of his grievance concerning his placement in a single cell in Samsun Prison was therefore not brought before the Constitutional Court within the required 30-day time-limit. The fact that he subsequently referred to the period in Samsun Prison in the individual application that he lodged in respect of his later detention in Bolu Prison (see paragraph 21 above) cannot remedy that omission, since by then the time-limit applicable to the grievance regarding the conditions in Samsun Prison had long expired.

71. The Court reiterates that an applicant who has not complied with the procedural requirements governing a domestic remedy (including the applicable time-limits) cannot be regarded as having properly exhausted that remedy for the purposes of Article 35 § 1 of the Convention (see *Vučković and Others*, cited above, § 72). It also reiterates that when domestic courts have examined the substance of an applicant's complaint, the applicant cannot be said to have failed to exhaust domestic remedies (see *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2)* [GC], no. 32772/02, §§ 43-45, ECHR 2009; *Voggenreiter v. Germany* (dec.), no. 47169/99, 28 November 2002; and *Sungur v. Türkiye*, no. 56462/19, § 52, 17 March 2026). In that regard, the Court notes that although the Constitutional Court did not reject the second applicant's complaint concerning his conditions of detention in Samsun Prison for being out of time, it rejected his individual application using a standard formula encompassing all the grounds of inadmissibility, which was similar to the one used by the Court itself

(compare *Hastaoğlu v. Türkiye*, no. 29061/21, § 59, 7 October 2025). Accordingly, the Court cannot conclude that the Constitutional Court examined the merits of that complaint. Therefore, the mere fact that the Constitutional Court did not explicitly declare the second applicant's complaint regarding Samsun Prison inadmissible for failure to comply with the 30-day time-limit does not prevent the Court from examining the Government's objection and, where appropriate, rejecting the application on that ground (ibid., §§ 60-61).

72. The Court finds that in view of his failure to comply with the time-limit before the Constitutional Court for his complaint concerning his placement in a single cell in Samsun Prison (see paragraph 69 above), the second applicant cannot be regarded as having properly exhausted the domestic remedies in respect of that complaint. The Government's objection should therefore be upheld and the application of the second applicant, in so far as it concerns the conditions of his detention in a single cell in Samsun Prison between 19 September 2016 and 15 November 2016, must be declared inadmissible for non-exhaustion of domestic remedies, pursuant to Article 35 §§ 1 and 4 of the Convention.

73. The Court notes that the remainder of the applications are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

74. All the applicants submitted that their placement and prolonged detention in single cells had amounted to inhuman and degrading treatment, in breach of Article 3 of the Convention. They maintained that the regime to which they had been subjected had constituted solitary confinement within the meaning of the Court's case-law and had gone beyond the threshold of severity inherent in lawful detention. They further submitted that the decisions to place them in single cells had been devoid of any specific or individualised justification, rested on an abstract invocation of security grounds, and had therefore been arbitrary.

75. The first and second applicants submitted that no disciplinary sanction had been imposed on them and that there had been no incident or disciplinary proceedings during their detention capable of justifying such a measure, their records noting no violent incidents. Similarly, the third applicant submitted that his placement had not in reality been motivated by security considerations. In this connection, he referred to a news article published in November 2016 reporting that the Ankara Chief Public Prosecutor had stated that the alleged ringleaders of FETÖ/PDY had been separated from the rest

of the group "in order to break the resistance of FETÖ members"; the third applicant submitted that this statement demonstrated that the measure had not been based on any conduct attributable to him but had been deliberately intended to inflict psychological suffering.

76. The third and fourth applicants submitted that the decision placing them in single cells had been served on them only after they had already been moved there and that their objections had been dismissed without any reasoned assessment. The second applicant submitted that his isolation had at no point been the subject of any meaningful, individualised or periodic review.

77. The first, third and fourth applicants further submitted that they had been held in cells of the type used for disciplinary punishment or for prisoners serving aggravated life imprisonment, which in their submission revealed the punitive character of the measure.

78. The second, third and fourth applicants submitted that the maintenance of their right to family visits and telephone calls had not attenuated the severity of the isolation regime imposed on them.

79. The first applicant submitted that the material conditions of his cell had fallen short of the minimum standards of hygiene and human dignity. He also argued that his pre-existing conditions, such as his herniated disc, allergies, and groin pain had worsened due to the conditions in his cell and that being held in isolation had led to a deterioration in his mental health, causing severe depression. However, the authorities had not assessed the impact of his continued isolation on his health condition. The first, second and third applicants submitted that they had been subjected to nighttime checks, regularly disturbing their sleep.

80. The fourth applicant added that the outdoor-exercise regime imposed on him had been more restrictive than that applied to prisoners serving aggravated life imprisonment. He further complained that the cells he had been detained in had been small and that they had had no separate kitchen area, obliging him to wash his dishes in the bathroom sink.

(b) The Government

81. The Government submitted, at the outset, that none of the applicants in the present cases had been subjected to the disciplinary penalty of solitary confinement. They stated that this disciplinary sanction, provided for in section 44 of Law no. 5275 (see paragraph 45 above), was a detention regime under which the prisoner was kept in a cell by himself or herself, for the whole day, and deprived of all contact, for a period of between one and 20 days, according to the nature and gravity of the acts concerned. They submitted that, by contrast, the applicants in the present cases had been held in single cells not as a disciplinary measure, but pursuant to room assignment decisions of the prison administrations. Accordingly, during their stay in the single cells, they had not been subjected to the restrictions on contact applicable to

the disciplinary penalty of solitary confinement and had enjoyed all the rights afforded to other prisoners. In particular, while prisoners in solitary confinement were deprived of all contact, prisoners held in single cells retained their right to contact and non-contact visits, and to telephone calls. Furthermore, while prisoners subject to disciplinary solitary confinement could not have a radio, television, wardrobe, table or chair in the cell in which they were being held, the applicants had been allowed to have such items in their respective cells.

82. The Government further submitted that the applicants had been able to maintain their contact with both the outside world and other prisoners; therefore, they had not been subjected to social isolation. They had maintained sufficient contact with their relatives, lawyers, and other prisoners. Moreover, the material conditions of the single cells in which the applicants had been held had been compatible with Article 3 of the Convention. The Government accordingly submitted that no issues arose as regards the conditions of detention of the applicants. Therefore, they invited the Court to find that there had been no violation of Article 3 of the Convention.

2. The Court's assessment

(a) General principles

83. The general principles regarding conditions of detention involving isolation were set out in *Schmidt and Šmigol v. Estonia* (nos. 3501/20 and 2 others, §§ 120-127, 28 November 2023), the relevant part of which reads as follows:

> "120. Article 3 of the Convention enshrines one of the most fundamental values of democratic societies. Even in the most difficult of circumstances, such as when engaged in the fight against terrorism or crime, the Convention prohibits in absolute terms torture or inhuman or degrading treatment or punishment (see, among many authorities, *Ramirez Sanchez v. France* [GC], no. 59450/00, § 115, ECHR 2006-IX). Indeed the prohibition of torture and inhuman or degrading treatment or punishment is a value of civilisation closely bound up with respect for human dignity (*Bouyid v. Belgium* [GC], no. 23380/09, § 81, ECHR 2015).
>
> 121. Ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum depends on all the circumstances of the case in question, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim (see *Muršić v. Croatia* [GC], no. 7334/13, § 97, ECHR 2016).
>
> 122. The Court notes that measures that deprive a person of his liberty may often involve an inevitable element of suffering or humiliation arising from a form of legitimate treatment or punishment (see *Ramirez Sanchez*, cited above, § 119). However, to fall under Article 3, the suffering and humiliation involved must in any event go beyond that inevitable element of suffering and humiliation connected with detention. The State must ensure that a person is detained under conditions which are compatible with respect for human dignity, that the manner and method of the execution of the measure do not subject him or her to distress or hardship of an intensity exceeding

the unavoidable level of suffering inherent in detention, and that, given the practical demands of imprisonment, his or her health and well-being are adequately secured (see *Muršić*, cited above, § 99, and the cases cited therein). Furthermore, when assessing conditions of detention, account has to be taken of the cumulative effects of those conditions, as well as the specific allegations made by the applicant (see *Ramirez Sanchez*, cited above, § 119).

123. A prohibition on contact with other prisoners for security, disciplinary or protective reasons does not in itself amount to inhuman treatment or punishment (ibid., § 123, and the cases cited therein). While extended removal from association with others is undesirable, whether such a measure falls within the ambit of Article 3 of the Convention depends on the particular conditions, the stringency of the measure, its duration, the objective pursued and its effects on the person concerned (see *Rohde v. Denmark*, no. 69332/01, § 93, 21 July 2005, and *Rzakhanov v. Azerbaijan*, no. 4242/07, § 64, 4 July 2013).

124. The Court reiterates that solitary confinement without appropriate mental and physical stimulation is likely, in the long term, to have damaging effects, resulting in a deterioration in mental faculties and social abilities (see *Razvyazkin v. Russia*, no. 13579/09, § 104, 3 July 2012). Complete sensory isolation, coupled with total social isolation, can destroy the personality and constitutes a form of inhuman treatment that cannot be justified by the requirements of security or any other reason (see *Ramirez Sanchez*, cited above, § 123, and *A.T. v. Estonia* (no. 2), no. 70465/14, § 72, 13 November 2018).

125. Solitary confinement, even in cases entailing only relative isolation, cannot be imposed on a prisoner indefinitely and should be based on genuine grounds, ordered only exceptionally and with the necessary procedural safeguards and after every precaution has been taken (see *Rzakhanov*, cited above, § 73).

126. A system of regular monitoring of the physical and mental condition of a prisoner held in solitary confinement should also be set up in order to ensure its compatibility with continued solitary confinement (see *Ramirez Sanchez*, cited above, § 139, and *Fenech v. Malta*, no. 19090/20, § 66, 1 March 2022).

127. It is essential that a prisoner should be able to have an independent judicial authority review the merits of and reasons for a prolonged measure of solitary confinement (see *Ramirez Sanchez*, cited above, §§ 139 and 145; *Onoufriou v. Cyprus*, no. 24407/04, § 71, 7 January 2010; and *Gorbulya v. Russia*, no. 31535/09, § 77, 6 March 2014)."

84. The Court reiterates that in order to avoid any risk of arbitrariness, substantive reasons must be given when a protracted period of solitary confinement is extended. The decision should thus make it possible to establish that the authorities have carried out a reassessment that takes into account any changes in the prisoner's circumstances, situation or behaviour. The statement of reasons will need to be increasingly detailed and compelling the more time goes by. Furthermore, such measures, which are a form of "imprisonment within the prison", should be resorted to only exceptionally and after every precaution has been taken, as specified in paragraph 53.1 of the Prison Rules adopted by the Committee of Ministers on 11 January 2006 (see paragraph 61 above). A system of regular monitoring of the prisoner's physical and mental condition should also be set up in order to ensure its

compatibility with continued solitary confinement (see *Ramirez Sanchez*, cited above, § 139). It would be desirable for alternative solutions to solitary confinement to be sought for persons considered dangerous and for whom detention in an ordinary prison under the ordinary regime is considered inappropriate (ibid., § 146).

85. The Court has also examined – within the Turkish context – several cases concerning allegations of violations of Article 3 of the Convention on account of the imposition of restrictive detention regimes. In *Öcalan v. Turkey* ([GC], no. 46221/99, ECHR 2005-IV), it examined the restrictions imposed on Mr Öcalan's contact with the outside world and the effects of his being the sole inmate in the prison. The Court considered that the justifications advanced by the Government – namely that the applicant was the leader of an armed separatist movement who might seek to take advantage of communications with the outside world to re-establish contact, and that his life would be difficult to protect in an ordinary prison – were not unfounded. It accordingly found no violation of Article 3. In *Öcalan v. Turkey (no. 2)* (nos. 24069/03 and 3 others, 18 March 2014), the Court found a violation of Article 3 in respect of the period prior to 17 November 2009, having regard to the considerable length of time during which the applicant had been the sole inmate of İmralı Prison, the absence of means of communication available to him, the restrictions on his access to news, and the deterioration in his mental state. It found no violation of Article 3, however, in respect of the period after 17 November 2009, by which time other prisoners were transferred to İmralı Prison and the restrictions imposed on Mr Öcalan's contact with the outside world had been eased.

86. The conditions of detention in an F-Type prison were examined by the Court in *Karakaş v. Turkey* ((dec.), no. 68909/01, 9 November 2004). In that case, the Court dismissed the applicant's allegations of solitary confinement, noting that he was not in solitary confinement, shared his cell with two other detainees, and received visits from his relatives.

87. In the case of *Güngör v. Turkey* ((dec.), no. 14486/09, §§ 25-37, 4 July 2017), the Court assessed the compatibility with Article 3 of the conditions of detention of an applicant who had been imposed a 12-day solitary confinement sanction under section 44 of Law no. 5275 (see paragraph 45 above) for possession of blunt objects in his cell. Having regard to the fact that the sanction in question was relatively short, not repetitive, and intended to ensure security inside the prison, the Court dismissed the complaint as manifestly ill-founded.

88. In *Karsu and Others v. Turkey* ((dec.), no. 34971/05 and two others, §§ 69-79, 27 March 2018), the Court examined the detention regime of individuals who had been sentenced to aggravated life imprisonment. It found that, although the applicants (who were serving aggravated life sentences in single cells) were subject to restricted social relations, their isolation was neither sensory nor complete but merely relative, being capable of evolving

over time according to the facilities available in the prison and the applicants' own conduct. Finding that the applicants were able to participate in social and sportive activities in the prison and in view of their continued contact with the outside world, it rejected part of their complaint under Article 3 of the Convention as manifestly ill-founded.

89. Lastly, in *Bora v. Turkey* ((dec.), no. 30647/17, §§ 22-27, 28 November 2017), the Court examined an applicant's complaint under Article 3 of the Convention in circumstances similar to the facts of the present cases. The applicant, who was a former judge held in pre-trial detention on suspicion of membership of FETÖ/PDY, had been placed in a single cell and complained of being held in solitary confinement. Having regard in particular to the length of the applicant's detention at the time of the Court's decision (approximately one year and two months) and noting that he was able to spend at least one hour a day in the outdoor yard shared with two other detainees, the Court considered that his conditions of detention did not attain the minimum level of severity required to fall within the scope of Article 3, and rejected this part of the application as manifestly ill-founded.

(b) Application of those principles

(i) General considerations regarding the applicants' detention in single cells

90. The Court notes at the outset that the applicants in the present cases were not placed in single cells as a result of the imposition of a disciplinary sanction of solitary confinement on them, which was of limited and non-recurring duration (contrast *Güngör*, cited above, § 35), but on the basis of administrative decisions taken by the prison administrations concerned (see paragraphs 11, 17-18, 28 and 35 above).

91. The circumstances of the present cases also differ in certain respects from those the Court has previously examined in the Turkish context (see paragraphs 85-89 above). The present applicants were charged with membership of an illegal organisation in the aftermath of the attempted military coup of 15 July 2016, without any specific determination by the domestic authorities that they were "dangerous prisoners". As such, their cases were not comparable to that of the applicant in the above-cited cases of *Öcalan,* and *Öcalan (no. 2)*, who was the leader of an armed organisation – a factor to which the Court had regard in assessing the justification for the restrictions imposed on that applicant. Nor were the impugned restrictions imposed within the context of a sentence of aggravated life imprisonment (contrast the above-cited cases of *Karakaş*, and *Karsu and Others*, § 70). While the present cases arise within a context similar to that examined in *Bora* (cited above, §§ 22-27), the restrictions at issue in the present cases were of longer duration and varied in their level of stringency.

92. Given that the applicants' placement in single cells did not result from the imposition of a disciplinary sanction of solitary confinement

(see paragraph 90 above), they were not subjected to the restrictions accompanying the disciplinary penalty of solitary confinement, as provided for by section 44 of Law no. 5275 (see paragraph 45 above). According to the information provided by the Government, which was not contested by the applicants, their contact with the outside world was not affected by the decision to place them in a single cell and they retained their right to receive contact and non-contact visits and to telephone calls at regular intervals (see paragraph 81 above). They were also able to have items such as a radio, a television, and a wardrobe, table or chair in their cells.

93. That said, the Court emphasises that, in the examination of the compatibility with Article 3 of the imprisonment regime imposed on the applicants, it is the nature, duration, justification and stringency of the regime in question, as well as its effects on the person concerned, that is at the focus of the Court's assessment (see *Sekour v. France*, no. 52496/19, § 120 (ii), 12 March 2026), rather than its legal classification under domestic law. Furthermore, while a prisoner's continued ability to maintain contact with the outside world is undoubtedly an important factor in the assessment of the detention regime imposed on an applicant (see *Öcalan (no. 2)*, cited above, §§ 146 and 148), the retention of such visiting and contact rights is only one aspect to be taken into account in assessing those restrictions, and is not in itself decisive (see, for example, *Schmidt and Šmigol*, cited above, §§ 143 and 161, where the Court considered that the applicant's ability to receive occasional visits from his relatives and to make telephone calls to them – as well as the possibility of attending social programmes and of having meetings with an inspector or contact person, a criminal probation officer, a chaplain and medical professionals – had not been sufficient to alleviate the negative effects of repeated and extended periods of solitary confinement; *Skachkov v. Russia*, no. 25432/05, § 54, 7 October 2010, where the Court did not consider that the occasional meetings the applicant had had with his lawyer or family outside the cell had significantly altered the conditions of his detention, given that he had been confined to his cell all day, apart from one hour of daily exercise; and *Rzakhanov*, cited above, § 70, where the Court held that two long and six short visits from his family per year, or the occasional meetings the applicant had had with his lawyer outside the cell, could not have significantly altered the negative effects of his confinement to his cell for 23 hours a day).

94. As noted above, in the present cases the applicants were placed in single cells by decisions of the relevant prison administration and observation boards (see paragraph 90 above). In that regard, the Court notes that by virtue of the 2006 regulation, prison administrations were empowered to assign the rooms in which prisoners are to be held, having regard to such factors as the nature of the offence in respect of which the prisoner is detained, the prisoner's prior profession, and the facilities available in the prison (see paragraphs 48-49 above). The Court further observes that, as a form of

nighttime accommodation in an ordinary prison regime, "single-celling" is endorsed by international standards: Rule 18.5 of the European Prison Rules provides that prisoners should normally be accommodated during the night in individual cells, and the Nelson Mandela Rules set out a similar principle in Rule 12 (see paragraphs 57 and 61 above, respectively). The applicants' placement in single cells cannot, therefore, in itself raise an issue under Article 3 of the Convention.

95. It is not disputed between the parties that the cells in which the applicants were held were equipped with a separate sanitary partition containing a washbasin, toilet and shower, and that the applicants had daily access to cold and hot water. They were furnished with a bed, mattress, wardrobe, table and chair. The applicants were able to buy a television and a radio from the prison canteen. They had access to the prison library and received periodical and non-periodical publications (see paragraph 8 above). As regards medical care, the applicants had access to the prison doctor and, where necessary, were transferred to State hospitals (see paragraphs 8, 15, 26, 33 and 44 above). The Court also notes that all of the applicants made ample use of their rights to visits and telephone calls, and maintained regular contact with their relatives and lawyers (see paragraphs 14, 24, 25, 32 and 43 above).

96. To the extent that first, third and fourth applicants submitted that their cells had been of the same type as those used for prisoners subject to the disciplinary sanction of solitary confinement (see paragraph 77 above), the Court considers that, having regard to the conditions described above (see paragraph 95 above), that circumstance does not, in itself, adversely affect the Court's assessment of the material conditions of those cells.

97. That said, the Court notes that the crux of the applicants' complaints concerns their separation from other prisoners following their placement in single cells, the resulting social isolation and their alleged lack of meaningful human contact. The Court reiterates in this regard that while removal from association with other prisoners for security, disciplinary or protective reasons does not in itself amount to inhuman treatment or degrading punishment (see *Ramirez Sanchez*, cited above, § 123, and *Messina (no. 2) v. Italy* (dec.), no. 25498/94, ECHR 1999-V), in assessing whether such a measure falls within the ambit of Article 3 in a given case, regard must be had to the particular conditions, the stringency of the measure, its duration, the objective pursued and its effects on the person concerned (see the above-cited cases of *Rzakhanov*, § 64, and *Fenech*, § 65, as well as the case-law cited in paragraph 93 above).

98. The Court also notes that the applicants were charged with the offence of membership of an armed terrorist organisation (see paragraphs 10, 16, 27 and 34 above). In placing the applicants in single cells, the prison administrations cited safety, security and administrative grounds, having regard to the nature of the offence with which they were charged, and

their former positions as holders of public office (see paragraphs 11, 18, 28 and 35 above). The Court has held in similar cases concerning organised crime that the existing, continuing danger that an applicant may re-establish contact with criminal organisations was an element capable of justifying even harsh isolation measures in order to exclude such a possibility (see, for instance, *Piechowicz v. Poland*, no. 20071/07, § 169, 17 April 2012, and *Messina (no. 2)* (dec.), cited above). The applicants having been detained on terrorism-related charges within the security context prevailing in the aftermath of the attempted military coup in Türkiye (see, *mutatis mutandis*, *Mehmet Hasan Altan v. Turkey*, no. 13237/17, §§ 89-94, 20 March 2018), the Court finds that that consideration is equally relevant in their cases. Given these circumstances, the Court is prepared to accept that the imposition of some level of restrictions on the applicants' contact with other prisoners was, in principle, justified in order to ensure safety in prison and to prevent the reestablishment of intra-organisational contact (compare *Piechowicz*, cited above, § 169).

99. However, it remains for the Court to address the question of whether the continued and routine restrictions on the applicants' contact with other prisoners was necessary in order to achieve the aims pursued in each individual case and whether those restrictions were compatible with Article 3 of the Convention (see, *mutatis mutandis*, *Piechowicz*, cited above, § 170). Accordingly, the Court will examine, in respect of each applicant, the stringency of the restrictions imposed and whether the objective pursued justified their being put in place and then prolonged. When conducting this assessment on the applicants' conditions of detention, account will be taken of the cumulative effects of those conditions, as well as the specific allegations made by each applicant (see, *mutatis mutandis*, *Dougoz v. Greece*, no. 40907/98, § 46, ECHR 2001-II, and *Öcalan v. Turkey (no. 2)*, cited above, § 103).

(ii) The first applicant (Mr Musa Gökçe)

100. The Court observes at the outset that the first applicant was placed in a single cell on 17 April 2018 and remained there until his release on 14 July 2020 – that is to say, for a period of approximately two years and three months (see paragraph 11 above).

101. As regards the conditions of detention in his cell, the Court observes that the first applicant's cell had a surface area of 12 sq. m. (see paragraph 13 above), which was in compliance with the standards recommended by the CPT (see paragraph 60 above). According to the information provided by the Government, which was not contested by the first applicant, the cell had a separate bathroom with access to a toilet and to hot and cold water at all times during the day (see paragraphs 8 and 13 above).

102. The Court notes the first applicant's complaints in this regard that the physical conditions in the cell had fallen short of minimum standards of

hygiene and human dignity. He submitted, in particular, that the bathroom in his cell had had no ventilation (giving rise to odour, mould and damp), that the toilet and the shower had been in the same space, and that he had been subjected to searches when going to the outdoor yard and had been subjected to nighttime checks (see paragraphs 13 above). However, having regard to the overall conditions in the single cell in which the first applicant was held, the Court considers that the matters complained of by the applicant cannot be regarded as reaching the minimum level of severity under Article 3 of the Convention in and of themselves (compare *Bora*, cited above, § 24).

103. Turning to the first applicant's complaints concerning his isolation, the Court observes at the outset that the restriction on the applicant's contact with other prisoners as a result of his placement in a single cell was based on the nature of the offence with which he was charged and his previous profession (see paragraph 11 above). The Court notes, that while reduced, the first applicant's contact with other prisoners was not completely restricted. It is not in dispute between the parties that although the applicant spent 21 hours in his cell on his own, he was taken to an outdoor area twice a day (for one and a half hours on each occasion) in the company of two other prisoners. He was also allowed access to the grass pitch for one hour each week after July 2018, that is, three months following his placement in a single cell (see paragraphs 11 and 13 above). Given that the first applicant spent 21 hours per day alone in his cell and was able to associate with other prisoners for the remaining three hours, his detention regime did not meet the definition of solitary confinement under Rule 44 of the Nelson Mandela Rules and Rule 60 of the revised European Prison Rules (see paragraphs 57 and 62 above).

104. The Court also notes the duration of the applicant's stay in the single cell, which lasted for approximately two years and three months (see paragraph 100 above). That duration, while considerable, must be assessed in conjunction with the stringency of the regime and the justification advanced for it. In this connection, the Court notes that the decision to place the first applicant in a single cell had no effect on his right to receive visits or right to telephone calls. His contact with the outside world thus remained unchanged (see paragraph 92 above). During his stay in the single cell, the first applicant was visited by his relatives and lawyers on 44 different days (several relatives sometimes attending on the same day) and had 88 telephone calls with his wife (see paragraph 14 above). In addition to retaining his right to communicate with his relatives, the first applicant also had access to books, and, as noted in paragraph 103 above, had access to the grass pitch on a weekly basis from July 2018 onwards (see paragraphs 13-14 above). In the present case, the Court finds that the combination of these contacts, facilities and activities afforded the first applicant adequate mental and physical stimulation during the time he was detained in a single cell.

105. The Court considers that the level of the first applicant's contact with other prisoners, together with the preservation of his external relationships

and access to facilities and activities, ensured that the first applicant retained sufficiently meaningful human contact during the period in question. Given these circumstances, the Court considers that the restrictions imposed on him were not of such stringency as to require a more detailed justification than that which the authorities provided.

106. The Court also takes note of the first applicant's complaints concerning the state of his physical and mental health during his detention. In particular, he submitted that pre-existing conditions, such as his herniated disc, allergies, and groin pain had worsened owing to the conditions in his cell. He further submitted that being held in isolation had led to a deterioration in his mental health, causing severe depression. He also maintained that no consideration had been given to the impact of his continued isolation on his condition (see paragraph 79 above).

107. As regards the first applicant's physical health, the Court observes that he was able to access medical care for his complaints – including specific treatment for his herniated disc at the neurology and physiotherapy clinics (see paragraph 15 above). With respect to his mental health, the Court notes that the first applicant underwent two assessments of his mental well-being during the prison admission process. Throughout his stay in the single cell, he received individual counselling and was able to consult a psychiatrist at a State hospital. In this connection, the Court observes that some of the medical conditions of which the applicant complained were of a pre-existing nature, and that it is not in a position to establish, on the basis of the material before it, that they were caused or aggravated by his placement in a single cell. Having regard to the medical attention provided to the first applicant in respect of both his physical and his mental health, the Court is satisfied that the authorities adequately secured his health and well-being.

108. Taking into account these factors, the Court considers that the conditions concerning the first applicant's placement in a single cell and the resulting limitation on his contact with other prisoners did not go beyond the inevitable element of suffering and humiliation inherent in detention (compare the above-cited cases of *Öcalan (no. 2)*, § 148, and *Rohde*, §§ 97-98). It therefore finds that the treatment complained of did not attain the minimum level of severity required for it to fall within the scope of Article 3 of the Convention.

109. It follows that there has been no violation of that Article.

(iii) The second applicant (Mr Eşref Köse)

110. Having regard to its findings on the admissibility of the complaints of the second applicant (see paragraphs 69-72 above), the Court will confine its examination of the compatibility with Article 3 of the Convention of the detention regime to which the applicant was subjected to the period when he was detained in a single cell in Bolu Prison between 18 November 2017 and 8 October 2020 (see paragraphs 18 and 25 above). The Court notes that the

duration of the contested detention was approximately two years and 11 months.

111. The Court observes that between 18 November 2017 and 1 November 2019 the second applicant was accommodated on his own in two separate cells which were designed to accommodate three persons – each with a surface area of 50 sq. m. From 1 November 2019 until 8 October 2020, he was placed in a single cell measuring 11.4 sq. m. (see paragraph 22 above). The second applicant did not raise any complaints regarding the material conditions of those cells, which are not in dispute between the parties. The Court therefore considers that the physical conditions in which the second applicant was held do not raise any issue under Article 3 of the Convention. As regards the second applicant's complaint concerning the regular nighttime checks conducted by the prison officials disturbing his sleep (see paragraphs 22 and 79 above), the Court considers that this matter, in itself, cannot be regarded as reaching the minimum level of severity under Article 3 of the Convention (see paragraph 102 above and compare *Bora*, cited above, § 24).

112. Turning to the stringency of the restrictions imposed on the second applicant's contact with other prisoners, the Court observes that, during his detention in single cells in Bolu Prison, the applicant was taken to the outdoor yard for one and a half hours each day in the company of another prisoner (see paragraph 23 above). From May 2018 onwards, his opportunities for inter-prisoner contact were significantly expanded: he was able to take part in social, sporting and conversational activities – including time on the grass pitch, the open pitch, the closed sports pitch, table tennis sessions and conversation groups – at regular intervals. While the prison administration restricted the applicant from participating in these programmes with other prisoners in September 2018, this decision was set aside by the Bolu Assize Court's decision of 16 November 2018, and the second applicant continued taking part in social activities with other prisoners following that decision (see paragraph 24 above). According to the information provided by the Government, he participated in such activities on 28 occasions in 2018, on 56 occasions in 2019, and on 10 occasions in 2020. From 7 June 2018 onwards, he was also able to participate in psycho-social and cultural activities – including meetings with the prison's preacher (see paragraph 24 above).

113. The Court observes that in placing the second applicant in a single cell, the Bolu Prison administration cited security and administrative grounds, having regard to the nature of the offence with which the applicant was charged (see paragraph 18 above). The applicant's objection to that decision was examined by the enforcement judge and, on further objection, by the Assize Court (see paragraphs 19-20 above). The domestic courts took into account the Court's case-law on this subject and its decision in *Bora* (cited above), and deemed the measure to be proportionate and necessary in view

of the offence with which the second applicant was charged, the uncertainty as to his position within the criminal organisation, the risk that accommodation with co-accused might facilitate the re-commission of an offence, and the security of the institution. The Assize Court further had regard to administrative considerations relating to the prison's accommodation capacity.

114. The Court observes that the regime to which the second applicant was subjected did not deprive him of all contact with other prisoners. Throughout the period in question, he was able to associate with at least one other prisoner during his daily outdoor exercise for 90 minutes. The Court notes in this connection that during the first seven months of his accommodation in a single cell, the second applicant's daily inter-prisoner association was longer than that afforded to the applicant in *Bora* (cited above, § 22, where the applicant had one-hour daily inter-prisoner contact for approximately one year and two months). From May 2018 onwards, the restrictions on the second applicant's contact with others were relaxed, as he had regular opportunities for further association with other prisoners through structured social, sporting and conversational activities. While the second applicant's opportunities for inter-prisoner contact during the period in question (90 minutes per day with another prisoner) fell below the standard of at least two hours of meaningful human contact per day recommended for separated prisoners by Rule 53A of the European Prison Rules (see paragraph 62 above) and can be defined as solitary confinement under Rule 44 of the Nelson Mandela Rules and Rule 60 of European Prison Rules (see paragraphs 57 and 62 above), the Court considers that, taken together with the expansion of activities from May 2018 onwards, the fact that he was allowed to maintain contact with persons living outside the prison (including regular communication with his relatives and his lawyer), and the absence of any restriction on his access to facilities such as books and television, the second applicant retained a sufficient degree of human contact and mental stimulation throughout his detention (compare the above-cited cases of *Ramirez Sanchez*, § 150, and *Rohde*, §§ 97-98). In the Court's view, the reasons advanced by the domestic authorities for the second applicant's placement in solitary confinement – which took into consideration the nature of the offence with which he was charged and the security context in which the decision to impose that measure was taken (see paragraphs 19-20 above) – were sufficient to support the restrictions that were actually imposed on him.

115. As regards the second applicant's complaint that his imprisonment had caused him psychological problems, the Court observes that, during the period in question, the applicant had sufficient opportunities to consult a psychologist and he received medication which was prescribed to him (see paragraph 26 above). Accordingly, the Court is satisfied that the prison authorities adequately attended to the second applicant's mental health needs.

116. Having regard to the foregoing, the Court considers that the second applicant's cell placement and the resulting limitation on his contact with other prisoners did not exceed the inevitable element of suffering and humiliation inherent in detention. The treatment complained of did not, accordingly, attain the minimum level of severity required for it to fall within the scope of Article 3 of the Convention.

117. There has, accordingly, been no violation of that provision.

(iv) The third applicant (Mr Süleyman Kul)

118. The Court notes at the outset the discrepancy between the Government's assertion that the third applicant had been placed in a single cell on 10 October 2016, and the third applicant's submission that he had been accommodated in the same single cell as of 8 October 2016, following his transfer to the Marmara no. 4 L-Type Prison (see paragraph 27 above). In the absence of any information as to where the third applicant had been held between 8 and 10 October 2016, the Court accepts that he stayed in a single cell at the Marmara no. 4 L-Type Prison from 8 October 2016 until his release on probation on 7 June 2023, that is, for a period of six years and eight months (see paragraphs 28 and 30 above).

119. The Government noted that the cell in question measured 12.45 sq. m. The third applicant disputed that figure, submitting that the cell had in fact measured 8 sq. m. (see paragraph 30 above). The Court observes that the third applicant's submissions in this regard are not precise and not based on objective and concordant proof. Therefore, they are not sufficient for the Court to set aside the information provided by the Government (see, *mutatis mutandis*, *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 122, 10 January 2012, and *İlerde and Others v. Türkiye*, nos. 35614/19 and 10 others, § 173, 5 December 2023). The Court finds that, in any event, the size of the third applicant's cell complied with the relevant CPT standards (see paragraph 60 above).

120. The Court also notes the third applicant's further submissions regarding the conditions in his cell. In particular, he submitted that he had been woken hourly throughout the night by the switching on of the lights and had been exposed to permanent artificial light during the nighttime (see paragraphs 31 and 79 above). The Government did not make any submissions in that respect. Having regard to the Government's failure to submit any evidence capable of contradicting the third applicant's allegations, in circumstances where they undoubtedly have greater access to potential sources of evidence concerning this matter (see, *mutatis mutandis*, *Ananyev and Others*, cited above, §§ 122-23), the Court accepts the applicant's account in this regard. While these factors, taken alone, would not suffice to establish a violation of Article 3 (see paragraphs 102 and 111 above), the Court observes that they nevertheless affected his quality of sleep, resulting

in both physical and mental fatigue (see, *mutatis mutandis*, *Yasak v. Türkiye* [GC], no. 17389/20, § 244, 5 May 2026).

121. As regards the stringency of the regime imposed on the third applicant, the Court observes that between 8 October 2016 and 9 May 2018 – a period of approximately 19 months – the applicant had no contact with other prisoners (see paragraphs 31 above). He was taken to the outdoor yard alone, for one hour each day, and his sole human interaction during that period was provided by visits from his relatives. From 9 May 2018 onwards, the restrictions were relatively eased: the third applicant was permitted to take his outdoor exercise for two hours each day in the company of two other prisoners. From 2019 onwards, he was also able to use the football pitch for 45 minutes once a week. Having regard to the duration of the third applicant's opportunities for inter-prisoner contact, the Court observes that his detention regime falls to be defined as that of solitary confinement under Rule 44 of the Nelson Mandela Rules (for the whole period in question) and Rule 60 of European Prison Rules (for the period between 8 October 2016 and 9 May 2018) (see paragraphs 57 and 62 above). Nonetheless, in view of the regular contact with the outside world that he was able to maintain, the third applicant cannot be considered to have been in complete social isolation; rather, his isolation was partial and relative (compare the above-cited cases of *Messina (no. 2)*, and *Ramirez Sanchez*, § 135).

122. The Court further notes the third applicant's submissions regarding the deterioration of his mental health as a result of his isolation. It observes in this connection that the third applicant's access to medical care was not restricted during his imprisonment, and that he had in fact declined several meetings with the prison's psycho-social service psychologist. However, the Court observes from the meeting notes drawn up by the psychologist that the main issues discussed in these meetings appear not to have concerned the applicant's capacity to cope with his isolation, but rather on his awareness of his offence, any continued links with the illegal organisation, and his future plans. The Court further observes that following a consultation with a psychiatrist in November 2018, the third applicant was found to be experiencing difficulties with staying in a single cell, and was diagnosed with adjustment disorder, in respect of which medication was prescribed (see paragraph 33 above). Notwithstanding that diagnosis and the psychiatrist's observation that the third applicant experienced difficulty about being accommodated in a single cell, the prison administration does not seem to have put in place any measures to assess the applicant's psychological capacity to deal with long-term solitary confinement or to consider its effect on his mental health. As a result, his accommodation in a single cell continued without interruption even after the psychiatrist's assessment (compare *Schmidt and Šmigol*, cited above, § 147, 28 November 2023). The Court reiterates in this connection that prisoners kept in long-term solitary

confinement need particular attention in order to minimise the damage that this measure can do to them (see, *mutatis mutandis*, *Razvyazkin*, cited above, § 106 *in fine*; see also Rule 43.2 of the European Prison Rules, referred to in paragraph 61 above).

123. As regards the objective pursued by the authorities in placing the third applicant in a single cell, the Court observes that the prison administration took into account the nature of the offence in respect of which he was detained, and cited the need to ensure safety and order within the prison, as well as the applicant's own safety owing to his former profession (see paragraph 28 above). In this respect, while the Court has accepted in principle that a certain level of restrictions on a prisoner's contact with other detainees may be justified on account of the nature of the charges in question (see paragraph 98 above), it reiterates that the level of stringency of the measures applied must be necessary to achieve the legitimate aim pursued, and substantive reasons must be given when a protracted period of solitary confinement is extended (see, *mutatis mutandis*, *Ramirez Sanchez*, cited above, §§ 119 and 139).

124. In that regard, the Court notes that the reasons advanced by the authorities – which were generic in character and did not address the third applicant's individual conduct or situation – cannot be regarded as sufficiently demonstrating the necessity of the continuous application of the restrictions imposed on him for a total period of six years and eight months. During that period, which the Court finds to be considerably long, the prison authorities did not reassess whether the continued imposition of the contested restrictions remained necessary (compare the above-cited cases of *Ramirez Sanchez*, § 139, and *Piechowicz*, § 177).

125. The Court accepts that, from 9 May 2018 onwards, the third applicant's regime was materially eased, in that he was able to take outdoor exercise for two hours each day together with two other prisoners (see paragraph 121 above). As the Court has found in the cases of the first and second applicants, taken in isolation, that level of inter-prisoner contact would not ordinarily attain the threshold of severity under Article 3 (see paragraphs 103-105 and 114 above). However, the assessment under Article 3 must be made by reference to the regime taken as a whole, having regard to the cumulative effect of all the conditions experienced by the third applicant over the period in question (see *Dougoz*, cited above, § 46).

126. Having regard to the cumulative effect of (i) the very considerable duration of his accommodation in a single cell and the restrictions on his contact with other prisoners, totalling six years and eight months, of which the first 19 months involved no inter-prisoner contact at all; (ii) the adverse effects of the regular night-time interruptions to the applicant's sleep through hourly checks; (iii) the demonstrated impact of the single-cell regime on his mental health; and (iv) the absence of any reassessment of the regime in the light of its objectives or its impact on the applicant's mental health, the Court

considers that the third applicant was subjected to suffering exceeding that which is inherent in detention (compare *Schmidt and Šmigol*, cited above, § 163). The treatment complained of therefore attained the minimum level of severity required to bring it within the scope of Article 3 of the Convention and amounted to degrading treatment within the meaning of that provision.

127. There has accordingly been a violation of Article 3 of the Convention.

(v) The fourth applicant (Mr İlhan Akıllı)

128. The Court observes that the fourth applicant was placed in a single cell on 19 September 2016 and remained in six different single cells until his release on 6 February 2018 – a period of approximately one year and five months (see paragraphs 35 and 41 above). These cells measured between 7.98 sq. m and 12.17 sq. m. and – according to the information provided by the Government – were adequately furnished (see paragraphs 8 and 41 above). The Court notes the fourth applicant's complaints concerning the cells being too small and that they had contained no separate kitchen area (see paragraph 80 above). However, having regard to the size of the cells in which the applicant was held, which were compliant with CPT standards, as well as the facilities available to the applicant in his room, the Court considers that the overall material conditions of the fourth applicant's detention do not raise any particular issues under Article 3 of the Convention (compare *Bora*, cited above, § 24).

129. The Court further observes that the parties provided differing accounts of the stringency of the restrictions imposed on the fourth applicant during his stay in the single cells. The Government submitted that throughout the period in question the fourth applicant had been able to use the outdoor yard for one hour per day, without specifying whether he had been alone or with other prisoners (see paragraph 42 above). They also referred to the Constitutional Court's findings, which stated in its decision in this regard that the fourth applicant was taken to the outdoor yard for one hour each day, which he had undertaken alone for 15 months (see paragraph 37 above). The fourth applicant, for his part, submitted that for the first eight months, he had been taken to the yard for only 30 minutes a day, alone, and that it was only from 6 May 2017 onwards that he had been able to use the yard with one or two other inmates for one hour a day (see paragraph 42 above).

130. In this connection, the Court notes that, by a decision of 20 February 2017, the prison administration granted the fourth applicant's request for his outdoor yard time to be extended to one hour each day (see paragraph 39 above). Furthermore, in the proceedings before the enforcement judge, the prison administration itself acknowledged that the fourth applicant had been allowed 30 minutes of outdoor exercise per day, and that steps were being taken with a view to extending that period (see paragraph 36 above). In the Court's view, the prison administration's own submissions to the

enforcement judge, together with its decision of 20 February 2017, were inconsistent with the Government's submission – and with the factual finding made by the Constitutional Court – that the fourth applicant had had one hour of outdoor yard time throughout his detention in a single cell. Having regard to the consistency of the fourth applicant's account, the corroboration provided by the prison administration's documents, and the absence of any evidence from the Government substantiating their submissions regarding one-hour outdoor exercise, the Court finds the applicant's account established. Accordingly, it will conduct its examination on the basis that, between 19 September 2016 and 6 May 2017, the fourth applicant had 30 minutes of solitary outdoor exercise per day, and that from 6 May 2017 onwards he had one hour per day with one or two other prisoners. The Court further notes that the fourth applicant was not allowed to participate in any social or sports activities during the period in question (see paragraph 42 above). Save for the one hour of yard time from 6 May 2017 onwards, his interpersonal contact consisted of his weekly visits and telephone calls with his relatives. In these circumstances, the Court finds that the restrictions imposed on the fourth applicant during the one year and five months in question were particularly stringent, qualifying as solitary confinement under Rule 44 of the Nelson Mandela Rules and Rule 60 of European Prison Rules (see paragraphs 57 and 62 above).

131. Regarding the initial eight months, the Court observes that the fourth applicant's outdoor exercise, which was limited to 30 minutes per day during that period, fell below the minimum standard of one hour of daily outdoor exercise provided for in Rule 23 of the Nelson Mandela Rules and Rule 27 of the European Prison Rules (see paragraphs 57 and 61 above). The Court reiterates that of the elements relevant for the assessment of the conditions of detention, special attention must be paid to the availability and duration of outdoor exercise and the conditions in which prisoners may take it. It has frequently observed that a short duration of outdoor exercise limited to one hour a day was a factor that further exacerbated the situation of the applicant, who was confined to his cell for the rest of the time without any kind of freedom of movement (see, *mutatis mutandis*, *Babar Ahmad and Others v. the United Kingdom*, nos. 24027/07 and 4 others, § 213, 10 April 2012, and the cases cited therein). The Court considers that this concern applies with even greater force where, as during the first eight months of the period in question, the outdoor exercise was reduced to 30 minutes per day, and the fourth applicant had no human contact during it.

132. As regards the reasons advanced for the fourth applicant's regime of imprisonment, the Court observes that the prison administration relied on grounds of institutional security based on intelligence obtained within the prison concerning the applicant (see paragraph 35 above). The enforcement judge accepted the prison administration's reasoning without any further elaboration (see paragraph 36 above). The prison administration rejected

several requests from the fourth applicant, whereby he had asked to be returned to a multi-occupancy cell, on the grounds that the reasons for his initial placement in a single cell continued to apply. They also rejected the applicant's request to be allowed to use the outdoor yard in the company of another detainee, since that could facilitate intra-organisational communication and create a security risk (see paragraph 39 above).

133. In this respect, while the Court has accepted in principle that a certain level of restrictions on a prisoner's contact with other detainees may be justified on account of the nature of the charges in order to prevent the re-establishment of intra-organisational contact (see paragraphs 98 and 123 above), it reiterates that the level of stringency of the measures applied must be necessary in order to achieve the legitimate aim pursued, and substantive reasons must be given when a protracted period of solitary confinement is extended (see *Ramirez Sanchez*, cited above, §§ 119 and 139). In the present case, the Court observes that the reasons advanced by the domestic authorities for the continuous application of the detention regime in question were abstract in character and did not engage with the fourth applicant's conduct within the prison. In the Court's view, they cannot be considered as sufficiently demonstrating the continued necessity of the stringent detention regime imposed on the fourth applicant (compare *Provenzano v. Italy*, no. 55080/13, § 156, 25 October 2018, and *Horych v. Poland*, no. 13621/08, § 102, 17 April 2012).

134. Having regard to the cumulative effect of (i) the duration of the fourth applicant's accommodation in a single cell, totalling approximately one year and five months; (ii) the absence of any contact with other prisoners during the first eight months of his single-cell accommodation and the limitation of his outdoor exercise to 30 minutes per day during that time; (iii) the absence throughout the period in question of any opportunity to participate in social, sports or educational activities; and (iv) the abstract and non-individualised character of the reasons advanced for the continued application of the detention regime in question (as well as the absence of a substantive review of the measure by the domestic courts), the Court considers that the distress and hardship endured by the fourth applicant exceeded the unavoidable level inherent in detention. The treatment complained of therefore attained the minimum level of severity required to bring it within the scope of Article 3 of the Convention and amounted to degrading treatment within the meaning of that provision.

135. There has accordingly been a violation of Article 3 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

136. Article 41 of the Convention provides:

"If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

137. In respect of non-pecuniary damage, the third applicant claimed 50,000 euros (EUR) and the fourth applicant claimed EUR 85,000.

138. The Government contested those amounts, submitting that they were excessive and unjustified.

139. The Court accepts that the applicants must have suffered distress on account of the violations found above. Taking into account the duration of the periods spent by the applicants in solitary confinement, and making its assessment on an equitable basis, the Court finds it appropriate to award the following amounts, plus any tax that may be chargeable, in respect of non-pecuniary damage:

- EUR 7,000 to the third applicant;
- EUR 3,000 to the fourth applicant.

B. Costs and expenses

140. The third applicant claimed EUR 5,500 and the fourth applicant claimed EUR 10,790 for the costs and expenses incurred before the Court.

141. The Government contested those claims.

142. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see, among many authorities, *L.B. v. Hungary* [GC], no. 36345/16, § 149, 9 March 2023). In the present case, regard being had to the documents in its possession and the amount of legal work necessary, the Court considers it reasonable to award EUR 1,500 each to those two applicants who claimed reimbursement in respect of the work carried out by their representatives in the proceedings before the Court, including other costs, plus any tax that may be chargeable to these applicants.

FOR THESE REASONS, THE COURT,

1. *Decides*, unanimously, to join the applications;

2. *Declares*, unanimously, the applicants' complaints under Article 3 of the Convention concerning their being placed in single cells admissible with regard to the following periods:
   (a) From 17 April 2018 to 14 July 2020 in respect of the first applicant (Mr Musa Gökçe);

(b) From 18 November 2017 to 8 October 2020 in respect of the second applicant (Mr Eşref Köse);
(c) From 8 October 2016 to 7 June 2023 in respect of the third applicant (Mr Süleyman Kul);
(d) From 19 September 2016 to 6 February 2018 in respect of the fourth applicant (Mr İlhan Akıllı);

3. *Declares*, unanimously, the remainder of the second applicant's complaints inadmissible;

4. *Holds*, unanimously, that there has been a violation of Article 3 of the Convention as regards the imprisonment regime to which the third and fourth applicants were subjected during the periods indicated in point 2 above;

5. *Holds*, unanimously, that there has been no violation of Article 3 of the Convention as regards the imprisonment regime to which the first applicant was subjected during the period indicated in point 2 above;

6. *Holds*, by six votes to one, that there has been no violation of Article 3 of the Convention as regards the imprisonment regime to which the second applicant was subjected during the period indicated in point 2 above;

7. *Holds*, unanimously,
   (a) that the respondent State is to pay, within three months from the date on which the judgment becomes final, in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 7,000 (seven thousand euros) to the third applicant, and EUR 3,000 (three thousand euros) to the fourth applicant plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,500 (one thousand five hundred euros) each to the third and fourth applicant, plus any tax that may be chargeable to them, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period, plus three percentage points;

8. *Dismisses*, unanimously, the remainder of the third and fourth applicants' claim for just satisfaction.

Done in English, and notified in writing on 3 November 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti Registrar	Arnfinn Bårdsen President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the separate opinion of Judge Arnardóttir is annexed to this judgment.

PARTLY CONCURRING, PARTLY DISSENTING OPINION OF JUDGE ARNARDÓTTIR

1. In respect of the first, third and fourth applicants, I agree with the findings of the majority of the Chamber. As regards the second applicant, however, while I agree that his complaints about the conditions of detention in Samsun Prison are inadmissible for non-exhaustion of domestic remedies, I am unable to join the majority in their conclusion that the conditions of his detention in Bolu F-Type High-Security Prison did not attain the minimum level of severity needed to fall within the scope of Article 3 of the Convention and that there has, therefore, been no violation of Article 3. As will be explained in more detail below, I find that the majority's analysis in the second applicant's case is out of step with developments in the Court's case-law since *Ramirez Sanchez v. France* ([GC], no. 59450/00, §§ 117-20, ECHR 2006-IX) and with those under other instruments of international law.

2. The second applicant was imprisoned on 21 July 2016, originally in Samsun Prison. He was placed in relative solitary confinement in a single cell in Bolu Prison for a period lasting around two years and 11 months between 18 November 2017 and 8 October 2020. Apart from occasional family visits and limited organised social, psycho-social and cultural activities, his "meaningful human contact" during that time consisted of one and a half hours of outdoor activity with one other inmate per day. It should also be noted that the applicant did not take part in any organised activities until May or June 2018. This appears to have been the result of a ministerial circular of 28 July 2016, which stated that prisoners detained for membership of FETÖ/PDY should not take part in educational and rehabilitative activities until further notice. After the commencement of such activities, they were suspended again in the second applicant's case between September and November 2018. The second applicant seems, therefore, to have been deprived of the possibility of participating in any organised social activities for eight to nine months during his detention in Bolu Prison. In respect of the social activities enjoyed for the remainder of the relevant period of detention, I also note that since the construction of the first F-Type prisons in the early 2000s, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has repeatedly drawn the attention of the Turkish authorities to the problem of the very limited communal activity programmes on offer (report by the CPT on its visit to Türkiye from 13-22 February 2024, 6 October 2026, CPT/Inf (2026) 35).

3. The question whether relative solitary confinement of the kind imposed on the second applicant reaches the minimum level of severity needed to fall within the scope of Article 3 of the Convention depends on the particular conditions of detention, the stringency of the contested measure, its duration, the objective pursued and its effects on the person concerned (see *Ramirez*

Sanchez, cited above, §§ 117-20, and *Schmidt and Šmigol v. Estonia*, nos. 3501/20 and 2 others, §§ 122-23, 28 November 2023). In its assessment on the merits of Article 3, the Court's task is to perform an overall assessment of the above factors and determine whether the implementation of the relevant prison regime was necessary as an exceptional measure, whether it was based on genuine grounds, whether sufficient safeguards against arbitrariness were in place and whether the authorities took appropriate precautionary measures to counterbalance the negative effects of solitary confinement (see *Ramirez Sanchez*, cited above, §§ 136, 139 and 145; *Sekour v. France*, no. 52496/19, § 120, 12 March 2026; *Rzakhanov v. Azerbaijan*, no. 4242/07, § 73, 4 July 2013; and *Schmidt and Šmigol*, cited above, §§ 125-27). I note in this respect that while the objective pursued by the contested measure may have an effect on the Court's overall assessment of its necessity, the applicable principles are the same irrespective of whether the prisoner in question is held in solitary confinement for reasons of discipline or security.

4. In the application of the above criteria to the second applicant's case, I find that the majority of the Chamber have not attached sufficient weight to the duration and intensity of his solitary confinement, which should, in my opinion, have placed the respondent Government under a heightened requirement to provide convincing reasons for the necessity of the imposition, and extension, of the measure.

5. In this regard I note, firstly, that the European Prison Rules were revised in July 2020 to include in Rule 53A(a) an express and unconditional requirement of at least two hours of "meaningful human contact" a day for prisoners subject to separation from others for reasons of security (Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules). Rule 53A(f) further stipulates that the longer a prisoner is separated from other prisoners, the more steps shall be taken to mitigate the negative effects of their isolation by maximising contact with others and providing them with facilities and activities. Rule 44 of the United Nations Standard Minimum Rules for the Treatment of Prisoners ("the Nelson Mandela Rules") of 2015, similarly, defines solitary confinement as 22 hours or more per day without "meaningful human contact" (UN General Assembly Resolution 70/175, 17 December 2015, 70th session, UN Doc. A/RES/70/175). Although the concept of "meaningful human contact" is not defined in these standard-setting documents, it is commonly understood as the amount and quality of social interaction and psychological stimulation which human beings require for their mental health and well-being, which must take place in conditions that enable empathetic interpersonal communication (European Committee on Crime Problems (CDPC), Commentary on Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules, CM(2020)17-add2, 1 July 2020). I take issue with the fact that the majority

of the Chamber have considered the lack of two hours per day of "meaningful human contact" in the second applicant's case to be compensated for by occasional additional human contact and access to facilities such as books and television. While this may be relevant for the assessment of whether he was subjected to complete sensory isolation or relative solitary confinement, it does not change the fact that he was deprived of the minimum two hours of "meaningful human contact" per day. I also find that the majority have disregarded in this respect the fact that the second applicant was deprived of the possibility of participating in any organised social activities for between eight and nine months during his detention in Bolu Prison. In addition, I note that the regular daily human contact he did enjoy was limited to interactions with one other person during outdoor exercise. This, in my opinion, required additional efforts on the part of the authorities to maximise meaningful contact with others, unless particularly convincing reasons justified the regime in question (compare *N.T. v. Russia*, no. 14727/11, §§ 44-46, 2 June 2020, where the Court considered placement with one other individual in a double cell comparable to solitary confinement).

6. Secondly, the second applicant's solitary confinement, spanning two years and 11 months, was of significant length (compare *Piechowicz v. Poland*, no. 20071/07, §§ 170-73, 17 April 2012). In this respect, the present case is incomparable with the precedent relied on by the majority of the Chamber, which concerned solitary confinement for one year and two months immediately after the failed *coup d'état* of 15 July 2016 (see *Bora v. Turkey* (dec.), no. 30647/17, § 24, 28 November 2017). I also note that in *Bora*, the Court emphasised that its finding should not be interpreted as relieving the authorities of the requirement to ease the restrictions imposed as the length of detention increased (ibid., § 26). I further note that the second applicant's prison regime included sleep disturbances and was harmful to his mental health. While access to mental health services and the provision of medication go some way towards ameliorating the negative effects of prolonged social isolation, this cannot in and of itself justify the continued placement in such conditions (see *Schmidt and Šmigol*, cited above, § 147).

7. Turning, next, to safeguards against arbitrariness, I note that it emerges from international standard-setting instruments and the Court's case-law that solitary confinement should be imposed only exceptionally as a measure of last resort and for the shortest possible period of time (see *Schmidt and Šmigol*, cited above, § 134). Article 3 of the Convention, accordingly, requires that placement in prolonged solitary confinement should be based on sufficiently substantiated and genuine grounds, and subject to independent judicial review (see *Ramirez Sanchez*, cited above, §§ 136 and 145; *Schmidt and Šmigol*, cited above, §§ 125 and 127; and *Sekour*, cited above, § 120). In this respect, I note that the second applicant had shared a three-person cell with two other prisoners in Bolu Prison for a full year before being placed in a single cell on 18 November 2017. Taken together with the otherwise limited

possibilities of "meaningful human contact", this decision led to solitary confinement, which cannot be based on administrative convenience or stereotypical reasoning. On the facts of the second applicant's case, however, there is nothing to indicate that the prison authorities' decision to place him in solitary confinement for security reasons was based on an individualised assessment of his behaviour during the time he enjoyed more human contact, or new information about the security risk he might pose. The enforcement judge, who on 14 March 2018 dismissed the second applicant's complaint about placement in a single cell, relied on the same stereotypical grounds related to the nature of the offence and security risks, while referring additionally to the "uncertainty as to his position within the FETÖ/PDY organisation's hierarchy". It is striking, however, that the second applicant, who had previously been a public prosecutor, had already on 18 January 2018 been convicted of the offence of which he had been accused. His role would therefore have been clarified by that time. Accordingly, the reasoning of the enforcement judge also indicates the absence of a genuine, individualised engagement with the second applicant's actual circumstances and the potential security threat he posed. This was, furthermore, not remedied on appeal. The judicial review of the merits and reasons for the second applicant's prolonged solitary confinement, therefore, proved to be ineffective.

8. Article 3 of the Convention also requires that decisions to extend solitary confinement must demonstrate that the authorities have carried out a reassessment of the circumstances and the prisoner's conduct. The reasoning in support of solitary confinement must further become increasingly detailed and compelling as time goes by (see *Ramirez Sanchez*, cited above, § 139; *Piechowicz*, cited above, § 165; and *Sekour*, cited above, § 120). In the second applicant's case, however, there is no indication that the decision to place him in solitary confinement had temporal limits or was subject to periodic review in the light of his behaviour or the evolving circumstances. In this regard, I note that the applicable domestic legislation does not seem to have secured any such regular review to prisoners placed in solitary confinement. This, in my opinion, is problematic in and of itself (see *Sekour*, cited above, §§ 129-33). In addition, even accepting that the authorities were justified in imposing a strict security regime on those detained on remand for suspected involvement in the failed *coup d'état* of 15 July 2016, or links with FETÖ/PDY, it must be noted that the level of their involvement with the organisation differed and was clarified in the ensuing criminal proceedings. The urgency of the security situation further diminished with the passage of time. Indeed, as amply demonstrated in the Court's case-law, the authorities took swift, decisive and wide-reaching steps to curb the activities and influence of the organisation in Turkish society (see, for example, *Bora*, cited above; *Yüksel Yalçinkaya v. Türkiye* [GC], no. 15669/20, 26 September 2023; *Onat and Others v. Türkiye*, nos. 61590/19 and 6 others, 25 March

2025; *İ.Ç. v. Türkiye*, no. 48061/19, 13 January 2026; *Kandemir v. Türkiye*, no. 30906/19, 3 February 2026; and *Yasak v. Türkiye* [GC], no. 17389/20, 5 May 2026). It is also telling in this respect that the state of emergency declared by the Turkish authorities on 20 July 2016 was lifted on 18 July 2018. While the blanket ban on any educational and rehabilitative activities ordered by a ministerial circular for those detained on grounds of membership in FETÖ/PDY was first relaxed in the second applicant's case around that time, he nevertheless remained in solitary confinement until 8 October 2020. The authorities' knowledge of the second applicant's psychological problems also provided additional impetus to review whether his solitary confinement was compatible with the requirements of Article 3 of the Convention. All the above elements demonstrate the evolving nature of the security situation and the second applicant's personal circumstances, which called for careful reassessment (compare with automatic extensions based on stereotypical reasoning in *Piechowicz*, cited above, § 177, and contrast with the reassessments conducted in *Sekour*, cited above, §§ 123-24). In addition, as already mentioned, it is clear that the applicant was not considered such a threat to security that he could not be allowed more human contact in the year leading up to his solitary confinement and there is no indication that the authorities ever assessed whether his behaviour in prison posed a security risk. Taking all the above into account, I cannot but conclude that by depriving the second applicant of a regular and careful reassessment of the reasons for his prolonged solitary confinement, the authorities disregarded his well-being and the requirements of Article 3 of the Convention, effectively rendering the nature of the solitary confinement punitive rather than preventive.

9. In conclusion, therefore, I find that the minimum level of severity needed to engage Article 3 of the Convention was attained and that there has been a violation of Article 3 in the second applicant's case.

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	51110/19	Gökçe v. Türkiye	10/09/2019	**Musa GÖKÇE** 1982 Istanbul Turkish	Aliye ERTUĞRUL
2.	34526/20	Köse v. Türkiye	14/07/2020	**Eşref KÖSE** 1974 Samsun Turkish	Rukiye COŞGUN
3.	48100/20	Kul v. Türkiye	28/07/2020	**Süleyman KUL** 1966 Ankara Turkish	Burak ÖZKAN
4.	34616/21	Akıllı v. Türkiye	31/05/2021	**İlhan AKILLI** 1980 Eskişehir Turkish	Mustafa SOYLU